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**JOURNAL**

1853  
**OF THE**

**HOUSE OF REPRESENTATIVES**

**OF THE**

**STATE OF INDIANA,**

**DURING THE**

**THIRTY-SEVENTH SESSION**

**OF THE**

**GENERAL ASSEMBLY,**

**COMMENCING JANUARY 6, 1853.**

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**INDIANAPOLIS:**  
**J. P. CHAPMAN, STATE PRINTER.**  
**1853.**

INDIAN STATE LIBRARY

# JOURNAL

## OF THE

### HOUSE OF REPRESENTATIVES,

*During the thirty-seventh session of the General Assembly, begun and held in the city of Indianapolis, on Thursday, the sixth day of January, one thousand eight hundred and fifty-three, being the day fixed by law for the meeting of the same.*

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The House being called to order by E. W. H. Ellis, Auditor of State, the following members appeared, produced their credentials, and were sworn into office by Hon. Samuel E. Perkins, one of the Judges of the Supreme Court of the State of Indiana, and took their seats:

- Adams - Spencer*      *Frankford - Koster - paugh - w -*
- From the county of Allen—*Francis D. Lasselle.
  - From the county of Bartholomew—*Joseph Struble.
  - From the county of Blackford—*George S. Howell.
  - From the county of Boone—*William P. Jones.
  - From the county of Brown—*Sylvanus Manville.
  - From the county of Carroll—*John B. Milroy.
  - W From the county of Cass --*Daniel D. Pratt.
  - From the county of Clark—*John F. Read.
  - From the county of Clay—*Daniel Dunlavey.
  - From the county of Clinton—*Wilson Seawright.
  - From the county of Daviess—*Rowland B. Sutton.
  - From the county of Dearborn—*Oliver B. Torbet, and Noah C. Durham.
  - From the county of Decatur—*Alexander L. Underwood.

- From the counties of DeKalb and Steuben*—Edward F. Hammond.
- W *From the county of Delaware*—James Orr.
- From the county of Dubois*—John Able.
- W *From the county of Fayette*—Archibald F. Martin.
- From the county of Floyd*—Joshua P. Farnsley, and Hiram W. Cailin.
- From the county of Fountain*—John Stephens.
- From the county of Franklin*—John S. Simpson, and Ephraim K. Rockafellar.
- From the county of Fulton*—Daniel Shoemaker.
- From the county of Grant*—Robert Wilson.
- W *From the county of Greene*—John W. Ferguson.
- W *From the county of Gibson*—Alexander C. Donald.
- From the county of Hamilton*—David Moss.
- From the county of Hancock*—William Handy.
- From the county of Harrison*—John Lemon.
- W *From the county of Hendricks*—Joseph H. Ballard.
- W *From the county of Henry*—James S. Ferris.
- From the counties of Howard and Tipton*—Isaac Parker.
- From the counties of Huntington and Wells*—Peter Emery.
- From the county of Jackson*—Jeremiah S. Tanner.
- From the county of Jay*—Joseph J. McKinney.
- From the county of Jefferson*—Abram W. Hendricks. *Bridges*
- From the county of Jennings*—David C. Jones.
- From the county of Johnson*—Royal S. Hicks.
- W *From the county of Kosciusko*—Isaac H. Jennings.
- From the county of Lagrange*—Francis Henry.
- From the county of Lake*—Alexander McDonald.
- From the county of Laporte*—John C. Walker.
- From the county of Lawrence*—David S. Lewis.
- From the county of Madison*—William C. Fleming.
- From the county of Marion*—Jesse Price and George P. Buell.
- From the counties of Marshall and Starke*—Eli Brown.
- From the county of Martin*—Thomas Gootee.
- From the county of Miami*—Benjamin Henton.
- From the county of Monroe*—Lemuel Gentry.
- From the county of Montgomery*—Elijah Clark.
- W *From the county of Morgan*—Enoch S. Taber.
- From the county of Noble*—John F. Brothwell.
- From the county of Orange*—Theodore Stackhouse.
- W *From the county of Owen*—Alfred Dyer.
- W *From the county of Parke*—George K. Steele.
- W *From the county of Perry*—David T. Laird.
- W *From the county of Pike*—James C. Graham.
- From the county of Porter*—Gideon Brecount.
- From the county of Posey*—Horatio C. Cooper.
- From the counties of Pulaski and Jasper*—Felix B. Thomas.
- W *From the coun'y of Putnam*—Ambrose D. Hamrick and Archibald Johnson.



St. Joe - Service W

*From the county of Randolph*—Josiah Bundy.*From the county of Ripley*—Samuel L. Jones.w *From the county of Rush*—James Walker and Samuel Green.*From the county of Scott*—David McClure.*From the county of Shelby*—Samuel Donelson.*From the county of Spencer*—William B. Richardson.*From the county of Sullivan*—Squire McDonnall and William M. McKee.*From the counties of Switzerland and Ohio*—Oliver Dufour and Hazelett E. Dodd.*From the county of Tippecanoe*—Samuel McCormick and Asa F. Chapin.*From the county of Union*—Nicholas Druly.w *From the county of Vigo*—Harvey D. Scott, Linas A. Burnett, and William Goodman.*From the county of Vermillion*—David Shelby.

Vanderburgh - Stockwell, W

w *From the county of Wabash*—Thomas S. Lines.w *From the county of Warren*—Edgar Ryon.*From the county of Warrick*—Simon P. Lowe.*From the county of Washington*—John Hartley.w *From the county of Wayne*—Elihu Hunt, Henry W. Shuman and Branson L. Harris.*From the counties of White and Benton*—David Turpie.*From the county of Whitley*—Adams Y. Hooper.

On motion by Mr. Dufour,

The House proceeded to the election of a Speaker by a *viva voce* vote.*Those who voted for Oliver B. Torbet were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druly, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, and Wilson—70.

*Those who voted for Mr. Hamrick were,*

Messrs. Ballard, Burnett, Donald, Dyer, Ferris, Goodman, Hendricks, Hooper, Hunt, Jennings, Johnson, Laird, Martin, Pratt, Ryon, Scott, Shelby, Steele, Taber, and Walker of Rush—20.

Oliver B. Torbet, having received a majority of all the votes given was declared duly elected Speaker of the House of Representatives, for and during the present session, and was conducted to the chair by Messrs. Dufour and McDonald of Lake.

The Speaker then delivered the following address:

**GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:**

Promoted through your partiality and kindness to the station of presiding officer, I beg leave to return you my thanks for this distinguished mark of your confidence and favor. I accept the trust you have confided to me, and assure you, gentlemen, that I will endeavor faithfully and impartially to discharge its duties. That I am young and inexperienced is known to you all, but I trust that the same generous motive which actuated you in promoting one so youthful to an honorable post will continue to be exercised in my behalf.

The length of this session is limited to sixty-one days. Our legislation will be somewhat of a revisionary character.

Our constituents expect that no more time will be consumed than necessary for the faithful performance of the duties incumbent upon us. I need hardly say that therefore the proceedings of this body should be characterized by promptness. As your presiding officer, I ask that you will please cover with the mantle of charity all faults of mine, and that you will co-operate with me in preserving order and decorum.

I hope that our deliberations may be conducted in peace and harmony, and promote the best interests of our beloved State.

On motion by Mr. Buell,

The House proceeded to the election of a Principal Clerk by a *viva voce* vote.

*Those who voted for William R. Bowes were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druly, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Furguson, Fleming, Gentry, Gootee, Graham, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—81.

*Those who voted for Mr. Johnson were,*

Messrs. Burnett and Hamrick—2.

Mr. Johnson voted for Mr. Boone.

William R. Bowes having received a majority of all the votes given was declared duly elected Principal Clerk, for and during the present session, was sworn into office by Hon. James Hughes, President Judge of the sixth Judicial Circuit, and entered upon the discharge of his duties.

Mr. Dillon Bridges, one of the Representatives elected from the county of Jefferson being in attendance, produced his credentials, and was sworn into office by the Hon. James Hughes, President Judge of the sixth Judicial Circuit.

On motion by Mr. Farnsley,

The House proceeded to the election of Assistant Clerk by a *viva voce* vote.

*Those who voted for Samuel S. Crowe were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druly, Dufour, Dunlavy, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Gootee, Graham, Green, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read Richardson, Rockafellar, Ryon, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—88.

Samuel S. Crowe, having received all the votes given, was declared duly elected Assistant Clerk for and during the present session, was sworn into office by Hon. James Hughes, President Judge of the sixth Judicial Circuit, and entered upon the discharge of his duties.

On motion motion by Mr. Burnett,

The House proceeded to the election of Doorkeeper, by a *viva voce* vote.

*Those who voted for J. J. Barrett were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druly, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Green, Hammond, Handy,

Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Reed, Richardson, Rockefeller, Ryon, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Tanner Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—80.

*Those who voted for Mr. Patterson were,*

Messrs. Donald, Graham and Hamrick—3.

Messrs. Ballard, Pratt and Scott voted blank.

J. J. Barrett having received a majority of all the votes given was declared duly elected doorkeeper for and during the present session, was sworn into office by Hon. James Hughes, president judge of the sixth judicial circuit, and entered upon the discharge of his duties.

Mr. James M. Maxfield, the Representative elect from the county of Elkhart, appeared, produced his credentials, and was sworn into office by the Hon. James Hughes, President Judge of the sixth judicial circuit.

On motion by Mr. Buell,

*Resolved*, That the Clerk inform the Senate that the House has convened, and, a quorum being present, have elected Oliver B. Torbet, Speaker, William R. Bowes, Principal Clerk, Samuel S. Crowe, Assistant Clerk, and J. J. Barrett, Doorkeeper, and are now ready to proceed with the regular business of the session.

On motion by Mr. Dufour,

*Resolved*, That a committee of two be appointed to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and ascertain at what time it will be convenient for him to make his annual communication to the present General Assembly, and report their proceedings to their respective bodies, and that the Senate be informed of the adoption of this resolution.

Messrs. Dufour and Manville were appointed said committee on the part of the House.

On motion by Mr. Farnsley,

*Resolved*, That the Doorkeeper be required to furnish each member of this House with the rules and joint rules of the last General Assembly instantler.

Mr. Burnett offered the following resolution :

*Resolved*, That the Reporters of the newspapers of this city, who may desire it, be permitted to occupy seats on the floor of this House within the bar, for the purpose of reporting the proceedings of this body.

On motion by Mr. Orr,

The resolution was amended by striking out the word "city" and inserting in lieu thereof, the word "State."

The said resolution was then adopted.

Mr. Orr offered the following preamble and resolution :

**WHEREAS**, We have just cause to be thankful to God for every blessing which we enjoy, being in a most distinguished manner the recipients of all those blessings that are so well calculated to render a nation truly happy, such as health, peace and abundant harvests in all this distinguished and highly favored land ; and as it is our most imperative duty to return thanks to Almighty God for past favors, and also most humbly and earnestly to ask a continuance of the same, for it is God that governs the Universe and wields the destiny of nations ; therefore,

*Resolved*, That the Speaker of the House appoint a committee of three to wait on the Ministers of the different denominations in this city, and invite them to meet alternately with the House of Representatives every morning, immediately after the Speaker calls the House to order, and preceding the reading of the journal each day, to open each day's session with prayer.

Which was disagreed to.

On motion by Mr. McClure,

*Resolved*, That the rules of the last session be adopted for the government of this House during the present session of the General Assembly.

On motion by Mr. Farnsley,

*Resolved*, That a committee of two be appointed to act with a similar committee on the part of the Senate, to wait upon the Rev. C. W. Ruter and request him to attend in this Hall to-morrow morning at 9 o'clock, and open the session with prayer, and that the Clerk inform the Senate of the adoption of this resolution.

Messrs. Farnsley and Walker of Laporte, were appointed said committee on the part of the House.

Mr. McClure offered the following resolution :

*Resolved*, That the joint rules which were in force for the government of the General Assembly at its last session, be adopted by the House of Representatives, as the rules of joint action for the present session, and that the Senate be informed of their adoption, and their concurrence therein requested.

On motion by Mr. Buell,

The resolution was referred to a select committee of five, consisting of Messrs. Buell, McClure, Manville, Pratt, and Underwood.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House, that the Senate have organized by the election of George L. Sites, of Allen county, Principal Secretary; William D. Shepherd, of Marion county Assistant Secretary, and William H. Buford, of Carroll county, Doorkeeper, and is now ready to proceed to legislative business.

Mr. Seawright offered the following resolution:

*Resolved*, That the Doorkeeper be requested to furnish each member of this House with one copy of the Journal of the last House of Representatives.

On motion by Mr. Hamrick,

The resolution was amended by adding "and the laws of the last General Assembly."

The said resolution was then adopted.

On motion by Mr. Manville,

The House adjourned to meet at two o'clock P. M.

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2 o'clock, P. M.

The House met.

Joseph Yount, the Representative elect, from the county of Henry, Jeremiah H. Service, from the county of St. Joseph, William G. Spencer, from the county of Adams, Robert Work from the counties of DeKalb and Steuben, and John M. Stockwell, from the county of Vanderburgh, appeared, presented their credentials, and were sworn into office by the Speaker.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House, that the Senate have concurred in the resolution appointing a committee to wait on the Governor, and have designated Messrs. Gibson and Edsall as said committee.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House, to wait upon the

Rev. C. W. Ruter, and have appointed Messrs. Humphreys and Adams a committee on the part of the Senate.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have passed the following resolution :

*Resolved*, That the joint rules which were in force for the government of the General Assembly at its last session, be adopted by the Senate as the rules of joint action for the present session, and that the House of Representatives be informed of the adoption by the Senate of said joint rules, and their concurrence requested therein.

Which said resolution was reciprocated by the House.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hicks,

*Resolved*, That the use of this hall be tendered to the State Board of Agriculture each evening during the present session of said Board.

Mr. Farnsley from a select committee made the following report:

**MR. SPEAKER :**

The committee appointed to wait on the Rev. Calvin W. Ruter to open the General Assembly with prayer, have performed that duty, and are authorized to inform the House that Mr. Ruter will attend in compliance with said resolution.

Mr. Dufour from a select committee made the following report:

**MR. SPEAKER :**

The committee appointed in conjunction with a similar committee from the Senate, to wait upon the Governor and inform him of the organization of the General Assembly, and to learn from him at what time it would suit his convenience to communicate his annual message, have attended to that duty, and received in answer from his excellency, that at 2 o'clock P. M. this day, he would attend in the hall of the House for that purpose.

On motion by Mr. Chapin,

*Resolved*, That the Senate be invited to attend in the hall of the House instantler, to receive the annual communication of his Excellency the Governor, and seats be provided on the right of the Speaker's Chair.

Ordered that the clerk inform the Senate of the adoption of said resolution.

The Senate then came in and took their seats, after which his Excellency the Governor, delivered the following message in presence of both Houses:

GENTLEMEN OF THE SENATE,

*and of the House of Representatives:*

We have reason for mutual congratulation in meeting under such favorable auspices.

During the year which has just passed away, the citizens of our State have enjoyed in peace and tranquility, all the blessings vouchsafed by Divine Providence to the most favored people. Under the influence of wholesome laws, and inspired by their own energy, they have made rapid advances in every species of improvement, and have reached an unprecedented degree of prosperity. General health has prevailed, the labors of the husbandman have produced an abundant harvest, and every department of industry has been richly rewarded. We are marching forward with an accelerated step to the attainment of all the elements of moral, political and intellectual greatness.

We have again exhibited to the world the sublime spectacle of a great nation, making a change of the persons placed at the head of its affairs, without disturbing the peace or security of the people in the slightest degree. A revolution has been accomplished without bloodshed and without animosity. The will of the majority of every section of the Republic, has been expressed through the ballot box; and more powerful than armed legions, it has settled all disputes, and quieted all dissensions.

Let us give thanks to the Almighty disposer of events, that our lot has been cast in a land where the utmost freedom of thought and action is found to be compatible with an unhesitating and perfect obedience to the laws.

Though the past has been replete with evidences of the progress and prosperity of the country, yet it has also been saddened with many melancholy events. Some of those who have long been justly distinguished among the ablest and most eloquent in the councils of the nation, have been called from their earthly labors. *Massachusetts* and *Kentucky*, have each been called upon to mourn the loss of an eminent and favorite son. Indiana has lost one who filled the first office in the State, during the darkest period in her history, and whose services were of the utmost importance to her credit and character.

These striking admonitions of the transitory course of human life, and indeed, all the circumstances by which we are daily sur-



rounded, call upon us as a christian people to acknowledge our dependence upon *Him* from whom all our blessings flow, and to ask of *Him* wisdom and strength for the performance of our duties; for without *His* assistance, our own efforts will be feeble, and we shall ever be liable to depart from the counsels of our fathers.

This is the first time you have been called upon to meet under the law providing for biennial sessions of the Legislature. Your deliberations will be the more important as you will be required to make the necessary legislative provisions for the next two years. If I properly apprehend your views and those of the people in general, your duties will be chiefly of a revisory character.

It is a matter of regret that the revision of the statutes, performed under the authority of the last Legislature, was not published and circulated before the commencement of the present session, in order that the people might have had an opportunity to examine them and to test their efficiency. Every effort was made to procure their publication at an earlier date, but it was found to be impossible.

Prudence would seem to dictate that those laws should be submitted to a trial before any very radical changes are made, and that your attention at the present, should be directed to such amendments only as may be required to remedy defects that may have been overlooked, and such as may be urgently called for by your constituents.

It is no small gratification to be able to announce that the financial condition of the State is still improving. The total amount of revenue paid into the State Treasury, arising from taxation, during the fiscal year just closed, is \$658,099,02, exceeding that of the previous year in the sum of \$154,355,76.

The ordinary expenses of the fiscal year amounted to \$160,312,-68, being an excess over the previous year of \$88,502,32, arising chiefly from the length of the legislative session, and expenses necessarily incident to the revision of the statutes.

In the meantime, the principal of our debt has been diminished the sum of \$59,300 by the exchange by the Auditor of State of \$31,450 of stock in the Madison and Indianapolis Railroad, for two and one half per cent. bonds of the State, and by the redemption in cash at the State Treasury of \$34,000 of treasury notes.

The ordinary expenditures of the State Government for the year 1853 are estimated at \$125,000, and for the year 1854, at \$40,000, for which provision should be made by the Legislature at its present session.

The sum set apart by the last Legislature to be applied for the liquidation of the principal of the public debt, although perhaps, sufficient for a commencement, is entirely inadequate to diminish the debt as rapidly as its magnitude and our ability require, and would justify. The annual levy to be devoted exclusively to this purpose, should not be less than five cents on the hundred dollars' valuation of taxable property. With such an appropriation,

and the application of the money to be received from the Madison and Indianapolis Railroad Company, to the purchase of  $2\frac{1}{2}$  and 5 per cent. bonds, more than half a million of our indebtedness may be absorbed within the next two years.

After considerable delay we have at length succeeded in obtaining from the General Government a confirmation of the selection of swamp lands to which the State became entitled under the act of September 28, 1850. The total area approved to the State, up to this date, is 1,018,905 53:00 acres, to which will be added about 190,000 acres in the Vincennes district, the selections of which are yet to be examined, making a total of over 1,200,000 acres. The patents received are for the Jeffersonville, Fort Wayne and Crawfordsville land districts. From information received from the Commissioner of the Land Office, we shall receive the patents for the remaining districts, by the first of March next.

The State has received so far, from the sales of these lands at the Government Land Office, the sum of \$60,656,76, for which patents have been forwarded to the purchasers by the Auditor and Secretary of State.

A very considerable quantity of the lands to which we were entitled, was sold by the Government Officers subsequent to the passage of the act of Congress. For these the commissioner of the General Land Office has determined to issue his patent to the State, and has caused notice to be given to the purchasers of the invalidity of their titles. They are also notified that on the return of their certificates of purchase, the money, warrants or scrip, with which their entries were made will be returned to them. These purchases having been made in good faith, and in many cases valuable improvements having been commenced upon them, the Auditor of State, with my concurrence and approbation, notified the several land offices that the State will, in all cases where the purchasers desire it, patent the lands direct to them.

The Commissioner of the General Land Office was also notified of this determination, and of the readiness of the State to receive for such purchases, the money, warrants or scrip with which they were made. Should farther legislation be thought necessary to secure these lands to the purchasers, I trust it will receive your early attention. The person to whom the warrants shall be assigned, should be designated and action taken in regard to the further disposition of them.

The fund to be derived from this source, solemnly set apart by our Constitution to the cause of education, will, if properly husbanded, within a few years amount to not less than one million of dollars, after defraying all proper expenses for selection and drainage. Doubts are seriously entertained, whether the effect of the law of the last session, will not be to fritter away this fund without benefit to any one but the host of officers to be created under it. The subject should be examined in all its bearings, and the proper remedy applied.

The subject of education is justly exciting deep and intense interest among our people. In some of the cities and towns the graded school system is receiving the aid and encouragement of the friends of education. In other places the County Seminaries, high schools, select schools and Colleges, are advancing, exhibiting the interest the people take in the great work of instructing the youth of the land. Indiana has heretofore done much to advance the cause of education. We have built up in almost every part of the State, various schools of learning. We have now commenced under our new constitution, at the *right place—the Common School*. Our energies, means, and resources, so far as the State is concerned, are all required to establish in every township a sufficient number of schools to educate every child.

In accordance with the solemn provisions of the Constitution, the last legislature passed a bill providing for a general and uniform system of common schools. The subject occupied the most of the time of some of the ablest men of the State of all parties. It was to be expected that a measure of this kind would meet with opposition to its details. We have had a variety of local laws on this subject. Our people, coming from various sections of the Union, have brought with them their local views and opinions. It will therefore take time to build up a system satisfactory to all.

Whatever opinions we may personally entertain on this subject, there can be no doubt that it is the solemn duty of the representatives of the people to provide all the means in their power for the instruction and education of every child in the State.

We must have a general, uniform and universal common school system. We must make education free to every child in the State. We must, by wise legislation, provide such facilities for thorough yet free instruction in our public schools, as to render unnecessary and ultimately to break down those select schools, in which classes of society are educated. We must place the children of every class of society upon the same level, using the same books, having the same system of instruction, and enjoying the same facilities for acquiring the first rudiments of thought, knowledge, and information. We cannot preserve our free institutions short of a universal system of education. We must in the language of our new constitution, encourage by all suitable means moral, intellectual, scientific, and agricultural improvement, and provide by law a general system of common schools, wherein tuition shall be without charge and equally free to all.

Our true policy is to let time test the wisdom of the system of last session, and as that great experimenter shall disclose by practical demonstration its defects, apply the proper remedy.

In accordance with the constitution and the law, the people, at the last annual election, elected a Superintendent of Public Instruction. On that officer devolve duties of vital importance to the people of the State. He has already entered upon the duties of

his office. He brings with his ability a warm zeal, much experience in practical teaching, and an intimate acquaintance with the systems of common schools in other sections. To his report, which will be laid before you, and which contains many valuable suggestions, I invite your particular attention.

From the interest in the cause of education everywhere made manifest, the daily increase of our school fund, under the wise provisions of the new Constitution, with the aid of your Superintendent devoting all his time to this cause, may not our constituents hope the day is at hand, when Indiana shall place the education of every child in the State, by a universal system of common schools, on a firm and enduring basis. And may we not indulge the thought, that we shall be able to erect on this immovable basis a noble superstructure, that shall be worthy of the age, worthy of the people, and that shall endure for all time to come, as a monument of the age in which we live.

It will be, gentlemen, the most interesting part of my official career to co-operate with you in this important work.

It is worthy of your consideration, whether the late act reorganizing the State University at Bloomington, does not require some modification and change. The propriety of permitting the trustees of the University to hold their offices during "good behaviour," is extremely doubtful. I suggest the propriety of reducing the number of trustees, determining the time they shall hold office, and making as far as practicable, a portion of the officers of State elected by the people, trustees of the institution.

I also recommend that the proceeds of the late grant of Congress be set apart for the endowment of a distinct professorship for the express purpose of qualifying male and female teachers to go forth in the work of teaching in our common schools.

The object of the law passed at the last session "to authorize and regulate the business of general banking," was to furnish the people of the State a sound circulating medium in sufficient quantity. The want of additional banking capital at various commercial points had been sensibly felt, and it was hoped that by throwing the business of banking open, under proper restrictions, to all who might choose to engage in it, increased facilities would be afforded to those engaged in commerce, and that the public interest would thereby be promoted. The experience of the past year has, however, already shown that the restrictions provided by the law now in force are insufficient to prevent the abuse of the privileges therein granted.

Under this law there have been organized sixteen banks, or banking associations, with a capital of two millions three hundred and sixty-five thousand dollars. Six representing a capital of one million one hundred and fifty thousand dollars, are said to be doing a legitimate banking business—five with a capital of eight hundred and fifty thousand dollars, have not as yet received any notes for

circulation. The whole amount of stocks deposited, up to this time, is nine hundred and ten thousand dollars, all of which are our own, except eighty-one thousand dollars.

The remaining five banks, with a capital of three hundred and sixty-five thousand dollars, have a mere nominal location, all of their notes being put up in packages as soon as they are signed by the Auditor, and carried to some distant city or State for circulation.

The character of our State abroad, and its financial prosperity at home, must depend greatly upon the soundness or unsoundness of the system of banking which is established under our laws. The subject is, therefore, one of great interest to our people, and it is at all times, and more especially at present when a radical change has been made in the policy heretofore pursued, and an entirely new system is about to be put in operation, eminently entitled to your most serious and careful consideration.

An unnatural expansion of the currency by the issue of enormous quantities of bank notes is always dangerous, and liable to result suddenly and unexpectedly in disastrous losses to the community; and this change must be greatly increased when the notes are put in circulation at points remote from the place of their redemption.

One of the greatest evils of an expansion of the currency is, that the value of money is thereby lessened, and he who has a debt to become due, at the period of the greatest redundancy, although he may receive, nominally, the sum contracted for, receives much less in value; and, on the other hand, if the contract was made during an expansion, and a large portion of the circulation is suddenly withdrawn, he receives much more. Such fluctuations in the value of money, may be of advantage to speculators, but the true interest of the producing classes of the community, requires that paper money, in circulation, should be of the same value when debts become due, as when contracted; and the best laws for the regulation of the currency are such as will best preserve this uniformity.

If you must have a paper currency, it is the duty of those making laws to regulate the same, to require, by every principle they can adopt, the circulation of that currency, as near as possible, where it is at all times convertible into ready money. A departure from this principle will inevitably lead to an expansion of the currency, not called for by the legitimate business of the country, and in the end *destroy* the business of any community.

Every citizen in our State has a direct interest in the genuineness, safety, and easy convertibility of his paper currency into ready money; in other words, he is deeply interested in preserving the actual value in the State in which, and by whose authority it is made and issued.

It is very evident that under the construction given to our present law, and the practice adopted in carrying out its provisions,

no sound or reliable currency will be furnished until it is essentially modified.

The speculator comes to Indianapolis with a bundle of bank notes in one hand and his stock in the other. In twenty-four hours he is on his way to some distant part of the Union, to circulate what he denominates a legal currency authorized by the legislature of the State of Indiana. He has nominally located his bank in some remote part of the State, difficult of access, where he knows that no banking facilities are required, and intends that his notes shall go into the hands of persons who will have no means of demanding their redemption.

By countenancing such proceedings, or by neglecting to adopt proper means to prevent them, we shall render ourselves liable to the just complaints of the people of other States, and we shall have no right to complain of them for furnishing a like irredeemable circulation which is now finding its way into the hands of every class of our citizens.

It is to be regretted that this State ever authorized the issuing of any note of a less denomination than five or ten dollars, and had not, by law, provided some effectual remedy against the circulation of the small notes issued in other States.

Those companies that are engaged in legitimate banking under the old or new system, are as much interested in adopting some measures to check the abuses which are springing up under the operation of the present law, as any other persons. If these abuses are not corrected, the people at large, sooner or later, will be provoked into the adoption of a summary remedy, and the whole system of banking by law will be swept away.

I trust that you will provide some effectual remedy for these evils, and I earnestly invite your attention to the following suggestions:

1st. To disconnect the management of the banking system from the office of the Auditor of State, and create an office to manage, under proper restrictions, the entire banking department.

It is essential that the stocks should be registered in the Auditor's office before notes are issued, but all the other duties could be better performed by an officer who could devote his whole attention to them. These duties are various and of great importance, and require the services of an able and vigilant person thoroughly conversant with the subject of banking, and able to detect and frustrate schemes to evade the wholesome restrictions of the law.

2nd. To create a board of Bank Commissioners, with power to hear and decide upon applications for the establishment of banks, and to regulate the amount of their capital, location, &c. Such a board might be composed of the officer appointed to manage the banking system, and the officers of the State departments, or such other officers as may be designated.

3rd. To authorize no future banking upon any other stocks than



those of this State and of the general government. As an additional security to the bill-holder, a mortgage on real property in this State equal in value to the entire circulation of each bank, might be required.

4th. To require a majority of the directors of each bank to reside in the county where the bank is located, in order that the community in the neighborhood of such institution may have a knowledge of the persons who are conducting it.

5th. The propriety of requiring, by legal enactment, all banks to keep their notes at par, at the State capital, is worthy of your consideration. This practice has been adopted in some of the states, and is said to work well.

To protect our own people from the evils of an irredeemable currency, I particularly recommend the passage of a stringent law, to prohibit the circulation of foreign small notes issued by corporations or individuals. It is thought by some that this cannot be effectually done, but it has been successfully accomplished in some of the other States, and I can perceive no sufficient reason why such a law cannot be enforced here.

Such a law might provide that the issuing, paying, or receiving of foreign notes of a less denomination than five dollars after a certain date, shall be an indictable offense, giving the circuit courts and courts of common pleas concurrent jurisdiction, and taxing with the costs a sufficient docket fee to compensate the prosecuting attorney for his trouble. It might also provide that all notes, drafts, bills of exchange, or other contracts, where the consideration is in whole or in part founded on the payment or receipt of such small notes of other States, should be absolutely void and not collectable in any court of the State.

If such a law is made applicable to banks and brokers as well as individuals, and required to be given in charge to the grand juries at every term of the courts, I have not a doubt that it will be possible to drive out the irredeemable notes of other States, and to substitute in their place, the notes of our own banks.

The 12th section of the act of the last session provides that nothing therein contained shall "be construed to empower any person or association to conduct or carry on the business of banking at any other than the place of business of such individual banker or banking association, which place of business shall, in every instance, be the same at which their small bank bills respectively are made payable;" and it is further provided in the 28th section, "that if any such person or association shall violate any of the provisions of this act, such associations may be proceeded against and dissolved by the court."

There can be no doubt that those associations or banking companies which have carried away the notes issued to them, to be loaned or otherwise issued in other States, have committed a palpable violation of the provisions above mentioned, and I recom-

mend that the Auditor of State or other proper officer be required to take immediate steps to procure the dissolution of such associations as the law provides. It may be necessary to provide additional means to render such proceedings to obtain a dissolution entirely effectual, and to this subject I also invite your attention.

I concur most fully in the suggestions of the Auditor's valuable report on the subject of restricting the amount of circulating notes to be issued by the Free Banks, to such a sum as shall be necessary for the commercial and business purposes of our own people. The amount of the annual issue should also be restricted in such manner as to prevent a redundancy of the circulating medium.

The Agricultural, Mechanical, and Manufacturing interests of the State are in a condition of growing prosperity. Forty-five county agricultural societies have been established under the act of February 14, 1851, for the encouragement of agriculture; and in twenty of these counties, fairs have been held in the course of the last year.

The first State Fair was held at Indianapolis, in the month of October, 1852. There was shown, at that time, a very interesting and large exhibition of fine stock, agricultural productions, domestic manufactures, farming implements, and mechanical skill. It was the first great exhibition of the products of the labor, enterprise, and skill of the people of Indiana. It is estimated that not less than thirty thousand persons, many of whom were visitors from other States, were in attendance, and, although this large assemblage was drawn together on the eve of a Presidential election, the prevailing subjects of interest among the multitude were connected with the advancement of the cause of Agriculture, and the encouragement of the various branches of useful labor.

It is an object worthy the profound attention of the statesman to build up and establish in a State a system of practical and prosperous industry. And, in our State, rich in soil, coal fields, mineral ores, and other elements of wealth, it will be a wise line of policy to encourage a system of political economy which, by making labor profitable and attractive, will draw the skill and industry of the people into those opening channels of agriculture, trade, and commerce, which, under sound legislation, cannot fail to make Indiana, in the course of a few years, pre-eminently distinguished among the more prosperous States of the Union.

It is gratifying to observe that there is at this time, a growing and healthy spirit of industry and improvement abroad in Indiana. Farmers, mechanics, and manufacturers, as individuals, and as members of industrial associations, are turning their attention earnestly to a consideration of the best means of promoting the interests of their several pursuits. It is your duty to aid and encourage this great movement. Upon its success the true, substantial wealth, and the real prosperity of the State must depend.

The State Board of Agriculture is now in session, with a full



delegation from the county societies. A Report of the transactions of the last year will be laid before you, at an early day. Three sessions have been held by the Board, since the passage of the act under which it was organized; and, after paying all expenses, it has on hand a surplus of two thousand dollars. This sum will be reserved, to be paid out in premiums at the State Fair, to be held some time in the course of the present year.

If it be your pleasure to add to this amount, reserved for premiums, by an appropriation, the stimulus that the General Assembly will thereby give to different branches of home industry will, by increasing the quantity and value of various kinds of property subject to taxation, return to the revenues of the State more than fourfold the amount of such appropriation.

We are receiving from our sister States New York, Ohio, Michigan, &c., numbers of their annual agricultural reports, in exchange for ours. The very valuable Reports received from these States will be distributed among our county agricultural societies. In this way the knowledge acquired by our sister States, in the most important departments of agriculture, will be placed within the reach of the farmers of Indiana. Of the second annual Report of the State Board of Agriculture, I recommend that you authorize the publication of a number of copies equal to the number published of the first report.

In pursuance of an act of last session, a correspondence has been opened with President Roberts of Liberia, on the subject of acquiring territory for the settlement of the free blacks who may desire to emigrate from Indiana. Sufficient time has not elapsed to receive an answer, but a favorable one is expected. No perfect organization of the State Board has yet been made under the law, as it is not yet in force.

It is gratifying to know that Indiana is the first State in the Union that has authorized a State organization for the purposes of colonization, and in that capacity has opened a correspondence with that Republic; and thereby recognized it as one of the independent nations of the earth. While the principal nations of Europe have recognized the independence of Liberia, it is matter of astonishment, that, up to the present time, our Government, that should have been the first to welcome her into the family of nations, has remained silent.

Whatever opinions may be entertained by others, it is my firm conviction that the cause of African colonization is the only hope that promises any thing substantial for the colored man. It is the only door open for the regeneration of his race. It is here alone that the black man must look for the freedom and independence of his people.

Thus far the Republic of Liberia has more than realized the most sanguine anticipations of its early friends. They have exhibited, for many years the elements of a firm and consistent government.

In less than a quarter of a century they have grown from a handful of people to an independent nation, giving to the world daily the evidences of stability and wisdom in the management of their affairs. By the benevolent appropriations of several of the States aided by individual contributions, hundreds of the African race go out annually, many of them educated; all more or less prepared to take part as citizens of a republican government, in the land of their fathers.

What a field is here opened for the action of the general and State governments, aided by that of individuals. May we not hope that the Representatives of the people of Indiana will annually contribute to such a noble work, pregnant with results so favorable to the cause of human liberty, the promotion of the christian religion, and so well calculated to remove, in a practical and efficient manner, the only evil in our land which threatens to destroy the peace and harmony of the different members of our confederacy.

It is wisely provided, in our new Constitution, that wherever they can be made applicable, all laws shall "be general and of uniform operation."

The late revision of the Statutes has, in the main, fully met the spirit of that requirement. But a provision in the repealing act, continues in force the various and widely dissimilar laws touching the traffic in intoxicating liquors, prevailing in different sections of the State. Whatever opinions may be entertained touching the most efficient means to repress intemperance, it cannot be doubted that laws for that purpose should conform to the manifest requirements of the constitution. Uniformity in the laws of a people tend to bind them together. And, when forced to provide rules for their civil government, operating alike throughout the community, it is believed more careful attention will be bestowed in their preparation.

Though the existence of a necessity for the enactment of some law regulating the vending of intoxicating liquors may be conceded to exist, the details of that law will prove embarrassing subjects of legislation. It would be well to remember at the outset, that extreme measures, however praiseworthy the motives dictating them, are not apt to realize the anticipations of their advocates. The tastes, habits, and prejudices of a people, are, to some extent, to be consulted. If they are disregarded, the law, especially if of a sumptuary character, will become, in truth, a "dead letter." Legislation should progress, it is true, but cautiously; so that the law will command the respect of the people, and at the same time keep pace with sound public opinion. The *past* and the transpiring events of the *present* demonstrate that the sudden adoption of ultra measures, whether concerning the organic or statute law of a community, results in a reaction aggravating the evil sought to be remedied. It is conceded that more good is to be anticipated from the certainty of the enforcement, than the severity of the laws.

Those we already have in restraint of intemperance, it is to be feared, are not rigidly enforced; and the opinion is entertained by many, that the error in the past has been more in the administration of the laws, than in the laws themselves. The vice, to say the least, is not on the decline.

Its haggard victims meet us everywhere. They crowd our almshouses, hospitals, jails, and penitentiaries. They throng upon every avenue of life chilling us with an overpowering sense of their wretchedness and moral degradation. If the wails of the widow and the destitution of the orphan, reach not our hearts, considerations of economy, in the administration of the law should not be disregarded. Humanity and public policy alike demand a corrective.

While individual effort should be stimulated to renewed exertions in the reformation of the inebriate, the aid of laws to be increased in stringency as public opinion will sanction, is imperatively demanded.

It is respectfully suggested that drunkenness be made an offense punishable by law, a disqualification for the making of contracts, or the management of property. By that means the vice might be rendered more odious, and the examples set, by those addicted to it, less pernicious in the community, while the drunkard would be prevented from dissipating his property and leaving his family destitute—thereby defeating the designs of the cunning and cruel.

It will give me great pleasure to co-operate with the Representatives of the people, in the adoption of any measure that will be calculated to remove this great evil from the land.

The report of the Trustees of the Wabash and Erie Canal will put you in possession of the progress and management of the work the past year. There are many interesting questions presented for your consideration.

The tolls and water rents of the past year received were \$193,400 18, being an increase of \$14,119 42 over the corresponding period of the year immediately preceding.

The amount realized from the sales of land in the two land districts, and collected from previous sales, were \$352,794 68, being an increase over the same period of the year preceding, of \$147,521 14.

The work has progressed rapidly during the past year, and no doubt is entertained, that, by the first day of March next, the waters of the Lake and of the Ohio will be united, and the entire canal from Toledo to Evansville, a distance of four hundred and sixty-five miles, will be in successful operation.

This work conducted with such energy, will be the longest line of inland continuous navigation in the world, and its completion will form a new era in Indiana.

The canal runs through a country unsurpassed in all the elements of wealth, and will give a new impulse to a great agricultural and

manufacturing interest, that heretofore has been to a great extent deprived of a market.

It was to be expected that in the prosecution of a public work of such magnitude, and in its management and police, the trustees would often come in conflict with local and private interests. This was so under the State management of the work.

Frequent complaints have been made to the executive department for relief, by bringing suits against the board.

In the county of Clay, a large public meeting of the citizens was held during the past season, at which divers resolutions were adopted, among others the following: "That the Trustees of the Wabash and Erie Canal have constructed a reservoir, on Splunge creek, in said county, covering among the rest about one thousand acres of heavily timbered land, the timber left standing to rot and decay; and that the miasma arising from said reservoir has already destroyed the health and lives of many of our best citizens, and has become a common and public nuisance, and no prospect of becoming any better for years to come, if left alone—not until the timber therein entirely decays, or otherwise removed." A copy of the proceedings of the meeting were presented to me. I directed counsel to examine the case. Suit has been brought, and is now pending.

These applications for relief by suits are embarrassing, and I again suggest, that you adopt some rule to be observed in such cases. The views of my predecessor, on this subject, are worthy of your special consideration.

It is our duty to protect the rights of the citizens and the community, in every way compatible with our past engagements; but we are always to consider the circumstances under which the Wabash and Erie Canal was transferred to the Trustees for completion, and the objects for which it is pledged.

We must ever regard those objects as intimately identified with the character and credit of our State. We should be recreant to every principle of honor, if we do not maintain inviolate the arrangement with our bondholders.

The trustees are required to carry out the plans of the State, in the construction of the canal, and while doing this, should not be subjected to harrassing suits.

If they fail to discharge their duty, or, if they trespass beyond the limits of the law under which they act, the State has reserved to herself the right to control them. This right should be exercised under the authority of the State, and with great caution. It may be doubted whether the canal, in the hands of the trustees, should be subjected to any burden, (beyond what is expressly named in the law,) to which it would not be subjected, if the title had remained in the State. Such seems to me, to be the obvious meaning of the act.

The reports of the managers, superintendents, and those having

charge of our benevolent institutions, will be laid before you early in the session. These reports exhibit the condition of those institutions, and show clearly that they are entitled to the support and confidence of the people of the State.

The law of last year, placing these institutions upon the treasury for support by direct appropriations, is working well, and the policy is no longer one of doubtful expediency.

The building erected, the past year, for the education of the blind, has progressed rapidly, and the work has been conducted with economy and promptness. When this building is finished, we shall have completed the circle of the benevolent institutions of the State, which form its pride and honor. For simplicity and beauty of design, faithfulness and durability of construction, and harmony in all its departments, the Institute for the Education of the Blind of Indiana, stands undoubtedly, unrivalled in the Union.

The work has been commenced for the additional buildings for the Insane Asylum, so much demanded by the unfortunate and afflicted citizens of the State.

I concur most fully in the request of the Boards of Trustees of all the benevolent institutions, for the additional appropriations asked for to complete their buildings. Your favorable action is invited to the increase of the salary of William H. Churchman, the faithful superintendent of the Blind Institute.

Your attention is called to the very full and interesting reports of the Visiter, Chaplain, Warden and Physician, of the State Prison. The number of convicts in the prison is 217. The number pardoned from the 1st day of November 1851, to the 1st day of January, 1853, is 13.

Herewith is submitted a list of those pardoned, with the list of fines and forfeitures remitted during the same period, in pursuance of the requirements of the constitution. It is important that this list should be distributed over the State, that our people may be informed of the exercise of this power by the Executive. I recommend that the list of pardons, fines, and forfeitures, herewith submitted, be published with the message.

The prison is as well conducted as we have any right to expect, under the leasing or selling out principle that the State has adopted. But the whole system is radically wrong. The State should have the entire control and management of the prison, and adopt as far as practicable, the system of giving to each convict the benefit of his own labor, after the payment of his expenses. The person appointed as Chaplain should receive a salary sufficient for his support, that thereby he might direct his whole time to the moral and religious training of the convicts.

In view of the fact, that the present lease will expire, the year after your next session, it is important that the attention of our people should be directed to a change in the manner of conducting and managing the prison, and the subject discussed in all its bearings.

I therefore recommend that you enter upon the examination of this subject, at the present session, and that you authorize the appointment of some person, to investigate this subject thoroughly, and visit, if it becomes necessary, some of the adjoining State prisons. By this means we will be prepared at the close of the present lease, to act advisedly, on a subject that has not heretofore received the consideration that its merits demand.

I again urge upon the attention of the Legislature the propriety of providing by law, for taking an annual statistical account of the agricultural and the industrial products of the State in connection with the establishment of a bureau of statistics; for a thorough geological and topographical survey of the State; for an appropriation annually, of a sufficient sum to pay for one or more of the newspapers of each of the counties, in the State, to be bound and regularly filed in the State Library; for the abolition of the distinction between grand and petit larceny, and conferring upon the courts, the power to imprison in the county jail or State prison, in their discretion, without reference to the value of the property stolen; for the erection of suitable buildings for the accommodation of the offices of the State; for the erection of work-houses or houses of refuge, in connection with our county jails, or in districts; for the reformation of juvenile offenders, in place of sending them to the State prison, where they become the associates of those who are more hardened in crime; and for the establishment of the office of Attorney General.

These subjects have heretofore been pressed upon the attention of the Legislature; and subsequent reflection has confirmed me, as to the policy and propriety of these measures.

In conformity with an act of the last Legislature, James S. Hester was appointed to act in conjunction with the Secretary of State, in preparing marginal and foot notes, and indexes for, and in superintending the printing of the new Revised Statutes. That work has been accomplished in a manner highly creditable to the State. The first volume containing the acts not immediately pertaining to the courts, is now ready for distribution. The second, comprising the laws regulating the duties of officers of courts, the civil and criminal codes, with copious notes and references, and an appendix containing an exposition of leading common law principles, will, together with the first volume, be laid upon your tables in a few days. The gentlemen entrusted with the superintendence of the publication of these statutes have labored with a degree of fidelity and ability which merits, and I earnestly recommend that you make them a liberal allowance.

An accurate revision of the laws, at one session of the Legislature, could not reasonably have been anticipated. That has not been attained in the most carefully digested codes. While, therefore, we have reason to be proud of our new statutes, it remains for you to correct their inaccuracies, supply their omissions, and

reconcile their conflicts. In addition to those pointed out in the reports of the officers of State, and that of Mr. Hester, I would respectfully call your attention to the unconstitutional provision in the act regulating the election of electors for President and Vice President, in reference to the time of meeting of the State Electoral college; to the change in the law of 1843 concerning the competency of Indians and Negroes to testify; to the conflict in the mode of inflicting capital punishment as provided in the new criminal code, and that in the act concerning felonies; to the manner of selecting petit jurors for the Common Pleas courts; to the vaguely expressed jurisdiction of that court in felonies; and to the doubtful constitutionality of a provision in the new code of criminal practice providing for the taxing of costs against the defendant in a criminal action on appeal in the Supreme court. These subjects demand and will no doubt receive, immediate action.

The frequent loss of human life on our railroads and other public thoroughfares, is very properly exciting the liveliest interest among the wise and benevolent. That many of these appalling casualties are the results of inexcusable negligence, cannot be doubted. The rapid growth of these facilities for travel, will increase the danger, by familiarizing us with its daily contact, unless other precautions are adopted than those now used. It is confidently expected, therefore, that the present Legislature will provide by law for the holding to the strictest accountability, all persons entrusted with the management of these works.

Our laws have wisely provided a security to mechanics, manufacturers, and certain other bailees, by giving them a lien on the specific article for the charges incurred about it. However ample such laws have heretofore been in the protection of industry, the rapid growth of a new interest, demands an extension of this principle. The number of persons employed on our public works, and the too common occurrence of instances where they have been deprived of their earnings by the artifices of dishonest contractors, demand the aid of law. It is earnestly recommended that there be secured to these, ordinarily very poor but laborious men, a lien for their services on the materials of the contractor, and amount of estimates due them on their contract.

The biennial meetings of the Legislature, necessarily increase Executive patronage and labor, and in this connection the Legislature are constantly adding to the duties of the Executive. The services of a Private Secretary are required all the time. You are called upon to increase the compensation of this officer.

The propriety of requiring from the Executive officers of the State a monthly statement of the operations of the State Department, for publication, is worthy of your consideration. The law should require this statement to embrace the list of appointments to office, of pardons granted, fines and forfeitures remitted, the investment of the surplus funds in the stocks of the State, and the entire action



of the different Executive departments upon all questions and subjects that it is made their duty to act upon.

In this way the management and conduct of the Executive departments would be brought more directly before the people.

I recommend that the office of Agent of State be abolished. This office was created at a time when the finances of the State were embarrassed, and in confusion, and grew out of the necessity of appointing an agent to take charge of them. Its continuance was necessary, perhaps, to carry out the provisions of the State Debt act; but as the outstanding bonds have been nearly all surrendered, there is no necessity for maintaining the office any longer.

Those parties who have not surrendered their bonds after the ample time they have had, should now be required to make the surrender hereafter directly to the office of Auditor of State, which can be done with facility, and without inconvenience.

The only business now requiring an agent in New York, is the transfer of the State stocks, and payment of interest. This can be effected with much less expense than is now incurred, and with much greater security to the State, than the present system can furnish. No other State is at the expense of maintaining a special agency for such a purpose. All that is required, is to give to your Auditor and Treasurer, with the concurrence of the Executive, the power to make the usual arrangements for the transfer of stocks, &c.

The State, some years since, issued a large amount of canal, quarter per cent., six per cent., and bank scrip. She has suffered, heretofore, in the fraudulent redemption and double issue of the canal and quarter per cent. scrip, to the amount of some thirty thousand dollars.

I regret to learn, at the Treasury, that we have now redeemed some twelve thousand dollars more of bank scrip, than was issued. You are earnestly invited to a thorough investigation of the subject.

The practice of betting upon elections, is injurious to the morals of the community, and is calculated to injure the purity of the elective franchise. The evil appears to be increasing, and I suggest the propriety of providing, as an additional penalty, some strong and positive provisions, prohibiting the exercise of the elective franchise by an elector who shall, in any manner, assist, encourage or bet upon the result of any election, at which he may offer to vote.

No additional information has been received on the subject of our three per cent. fund. Individuals in various portions of the State are holding claims upon this fund for work performed, relying upon the settlement by the State with the General Government for payment.

The views expressed on this subject in my last annual message are again urged upon your consideration.

The suit pending for some time in the Supreme Court, of Patrick McGinley against the State, the particulars of which were furnished



in my annual message of 1850, has been decided in favor of the State. By this decision the State is saved from the payment of twenty-five thousand dollars; and, it is believed, puts to final rest this controversy. You are requested to provide compensation to the attorneys who prosecuted the cause in the Supreme Court in behalf of the State.

Thomas Hunsucker, sheriff of the county of Jackson, has paid out the sum of three hundred dollars, for the apprehension and arrest of Daniel Maybee, charged with the murder of John Quamby, of said county. I recommend that you refund to him the money so advanced.

Benjamin Wolf of the county of Monroe, has been appointed to select the additional grants of lands made to the State University, by the act of Congress of July 12, 1852. His report will be laid before you during the session.

It is a duty and a pleasure, which I cannot permit this occasion to pass without performing, to bear honorable testimony to the promptness, efficiency and ability of the several gentlemen, who, during my official term have filled the offices of Secretary, Treasurer, and Auditor of State.

The several county officers connected with the revenue system, are also entitled to much credit for their punctuality and promptness. Ninety-one collecting and disbursing officers, within the last three years, have paid into the State Treasury more than one and a half millions of public money, without a single case of collection by law.

Gentlemen—representing as you do, every section and interest of our growing and prosperous State, knowing the views, feelings, and wishes of your constituents, you are prepared to act advisedly upon the recommendations that I have laid before you. They are presented with the full assurance, that the interests of the State are wisely placed in your hands.

I ardently hope that *Divine Wisdom* will guide you in all your acts and deliberations, and that they will redound to the welfare of our common country.

JOSEPH A. WRIGHT.

January 7, 1853.

## A LIST OF PARDONS GRANTED BY THE EXECUTIVE FROM THE FIRST DAY OF NOV., 1851, TO THE 31ST DAY OF DECEMBER, 1852, INCLUSIVE.

DATE.	TO WHOM GRANTED.	CRIME.	WHERE TRIED.	SENTENCE.	DATE OF SENTENCE.	REMARKS.
Dec. 3, 1851.	Stephen McMillen.	Grand larceny.	Switzerland county	Seven years to State Prison.	March 6, 1847.	This pardon is granted upon the application of eleven of the jurors, prosecuting attorney, clerk, sheriff, recorder, auditor, treasurer and others.
Dec. 6, 1851.	Henry Eal.	Manslaughter.	Floyd county.	Four years to State Prison.	October term, 1849.	This pardon is granted upon the application of prosecuting attorney, associate judges, nine of the jury, sheriff, clerk, warden of the penitentiary, senator, representative, and two hundred other citizens of the county who were familiar with the facts of the case, and intimately acquainted with the parties. The said Henry Eal being quite young at the time of the commission of the offense, in his sixteenth year, his conduct being good during the two years and two months of his confinement.
Dec. 22, '51.	Samuel Crist.	Grand larceny.	Dearborn county.	State's Prison two years.	October term, 1850.	This pardon is granted upon the certificate of the clerk of the Dearborn circuit court, showing that the jury recommended him to the Executive clemency, as part of their verdict, the petition of the jury subsequently signed, the written request of Hiram Wright, the owner of the property charged to have been taken, the clerk of the court, prosecuting attorney, circuit judge, associate judges, recorder, assessor, sheriff, and two hundred other citizens of the county.
Feb 20, 1852	Daniel Hart.	Assault and battery.	Elkhart county.	Two years in State prison.	October term, 1850.	Granted on the application of the cir. judge, pros. attorney, auditor, treasurer, recorder, clerk, sheriff, eleven of the jury, and one hundred and seventy-five citizens of the county who were acquainted with the circumstances of the case.
March 24, '52	John Burns.	Grand larceny.	Jefferson county.	.....	.....	Also the senator and representative. Granted on the application of the twelve jurors who convicted the defendant, upon the certificate of the clerk of the court, pros. attorney, the witnesses for the State, one of whom was the owner of the property alleged to have been stolen, the clerk of the court, sheriff, treasurer, auditor, and the attorneys in the cause.
April 14, '52	Mariah Coleman.	Grand larceny.	St. Joseph county.	Two years in county jail.	March term, 1852.	Granted on the application of the entire jury, who, as a part of their verdict, recommended the defendant to executive clemency, president judge, pros. attorney, senator and sheriff.

April 23, '32.	Daniel Alspaugh.	Petit larceny.	Wabash county.	180 days' confinement in the county jail.	March term, 1852.	Granted on the application of the sheriff, clerk, treasurer, attorneys, senator, representative, and one hundred other citizens of the county of Wabash.
April 26, '32.	William Coyle.	Assault and battery with intent to kill.	Jennings county.	Two years hard labor in State Prison.	October term, 1851.	Granted on the application of a portion of the jury, presiding judge, sheriff, auditor, and 150 citizens of the county who were intimately acquainted with the transaction.
June 9, 1852.	Nicholas D. Mount.	Aiding and abetting a rape.	Cass county.	Seven years to State prison, and disfranchised.	February term, '51.	Granted on the application of the president judge, associate judges, sheriff, pros. attorney, clerk, recorder, members of the bar, and 100 other citizens, who aver that the subsequent disclosures satisfy them that the party was not guilty of the offense.
June 9, 1852.	John Hicks.	Rape and grand larceny.	Daviess county.	Seven years to State Prison.	May term, 1846;	Granted on the application of Judge McDonald, the members of the bar, and the officers of the prison, all showing his good conduct and faithful service under his sentence, which is now nearly expired.
June 9, 1852.	Angelo S. Garland.	Larceny.	Allen county.	Two years in State Prison, fined one dollar and disfranchised.	February term, '51.	Granted on the petition of the president judge, nine of the jury, associate judges, pros. attorney, clerk, sheriff, recorder, the entire officers of the court, members of the bar, the party whose property was alleged to have been stolen, and numerous other citizens familiar with the transaction.
July 16, '32.	Peter Roth and Victor Knet.	Grand larceny.	Clark county.	Two years to hard labor in the State Prison, fined five dollars each, and disfranchised.	May term, 1852.	Granted on the application of eleven of the grand jury who found the bill, the individual whose property was alleged to have been taken, the pros. attorney, six of the jury who tried the case, the county commissioners, clerk, sheriff, auditor, treasurer, president judge, and one hundred and twenty of the most prominent citizens; also the senator and representative of said county.
Aug. 28, '32.	Elizabeth Richey.	Manslaughter.	Decatur county.	Two years in State Prison.	Spring term, 1851.	Granted on the application of the pros. attorney, ten of the jury, associate judges who tried the case, clerk of the court, sheriff, a majority of the grand jury, and 255 other citizens of the county of Decatur who were intimately acquainted with the facts and circumstances of the case.

LIST OF PARDONS GRANTED BY THE EXECUTIVE FROM NOV. 1, 1851, TO DEC 31, 1852--Continued.

DATE.	TO WHOM GRANTED.	CRIME.	WHERE TRIED.	SENTENCE.	DATE OF SENTENCE.	REMARKS.
Nov. 9, 1852.	Cornelius Porter.	Rape.	Randolph county.	Five years to State Prison.	August term, 1850.	Granted on the application of the circuit judge, associate judges, clerk, sheriff, prosecuting attorney, treasurer, auditor, ten of the jury, and six hundred and sixty-two citizens of the neighborhood where the transaction occurred. Notice of the application for this pardon having been duly published in a newspaper published in Randolph county.
Nov. 15, '52.	William Gilbert.	Assault and battery with intent to commit a rape.	Clay county.	Two years to State Prison.	March term, 1852.	Granted upon the application of the circuit judge, who strongly recommends a pardon, urging that a new trial would have been granted, if applied for. The defendant being unable to give bail, the motion was not made. The judge aforesaid doubts the guilt of the defendant, and believes that the whole truth was not disclosed on the trial. Nine of the jury unite in the application for the pardon for the reasons above stated, and strongly urge it on account of the youth of the prisoner; likewise seventy citizens of the neighborhood where the transaction occurred.

DATE.	TO WHOM ORANTED.	OFF.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Nov. 12, '51.	Andrew Thomas.	Assault and battery.	Washington county.	Fall term, cir. court	\$232 00	\$232 00	This remittitur is granted on the petition of trustees of the seminary of the county, six of the jurors who tried the case, the deputy clerk, the clerk, sheriff, treasurer, recorder, and two hundred and seventy-five other citizens of the county, of whom about one hundred and thirty-six are residents of the township in which said Thomas resides.
Nov. 18, '51.	John B. Dodson.	Attempting to solemnize a marriage knowing he was not authorized to do so.	Perry county.	October term, c. c.	50 00	50 00	This remittitur is granted on the petition of one of the associate judges, and five of the jurors that tried the case, and one hundred and thirty other citizens of said county.
Dec. 3, 1851.	James Lancy.	Forfeited recognizance as bail for Wm. T. Thayer, on charge of perjury.	Parke county.	October term, 1851.	500 00	500 00	The said James Lancy was the security for the appearance of one William T. Thayer, indicted for perjury, in the sum of \$500. Thayer failed to appear, and judgment was rendered on the recognizance against Lancy. It is represented that Thayer had departed this life prior to the final judgment; and this remission is granted on the application of the prosecuting attorney, county auditor, treasurer, clerk, recorder, deputy clerk, sheriff, trustees of the seminary fund, and one hundred and six of the citizens of the neighborhood, who are conversant with the facts.
Dec. 13, 1851.	Jordan Polk.	Suffering gaming in grocery.	Jennings county.	October term, 1851.	50 00	40 00	This remittitur is granted upon the application of the county auditor, sheriff, the five trustees of the seminary fund, senator, county treasurer, and one hundred and ten other citizens.
Dec. 15, 1852.	Samuel Losey and Perry Losey.	Breach of the peace.	Tipton county.	August 4th, 1851.	20 00	20 00	This remittitur is granted upon the application of those who represent the school fund, to-wit:—the clerk, auditor, sheriff, treasurer, and sixty-five other citizens, being a majority of the citizens of the township.
Dec. 24, '52.	Samuel McDaniel.	Riot.	Boone county.	October term, 1851.	70 00	60 00	These remittiturs are granted upon the application of the trustees of the county seminary, treasurer, auditor, school commissioners, clerk, sheriff, senator, representatives, and one hundred and thirty other citizens.
	John McDaniel.	do	do	do	40 00	30 00	
	Marion Evans.	do	do	do	20 00	10 00	

## LIST OF FINES AND FORFEITURES REMITTED BY THE EXECUTIVE FROM NOV. 1, 1851, TO DECEMBER 31, 1852—Continued.

DATE.	TO WHOM GRANTED.	OFFENSE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Jan. 3, 1852.	George A. Buskirk.	Assault and battery.	Monroe county.	5th July, 1851.	\$20 00	\$20 00	Granted upon the application of those who represent the school fund of the county, to-wit:—county auditor, recorder, clerk, treasurer, and the senator and representative in the State Legislature.
Jan. 9, 1852.	Seth H. Starr, Collin Vigus.	Retailing without license.	Logansport City. do	November 12th, 51. do	5 00 5 00	5 00 5 00	Granted on the application of the mayor, prosecuting attorney, and six trustees of the seminary fund.
do do	Burronghs Westlake	Failing to return marriage license, 3 cases.	Cass county.	Term 1839.	15 00	15 00	Granted on the application of the mayor of Logansport, prosecuting attorney, and trustees of the county seminary.
Jan. 14, '52.	Mahlon R. Crouch.	Petit larceny. Forfeited recognition for same offense.	Davless county. do	October term, 1850. April term, 1851.	10 00 200 00	10 00 200 00	Granted upon the application of the clerk of the circuit court, auditor and treasurer, those who represent the school fund, of the county. The sum of \$200 remitted was a judgment on a forfeited recognizance for the same offense for which the party had been previously tried and punished.
Jan. 28, '52.	John Price.	Adultery.	Fayette county.	October term, 1851.	50 00	45 00	Granted upon the application of county treasurer, sheriff, clerk, trustees of the district school, senator, representative, and one hundred other citizens of the county of Fayette, who were acquainted with the defendant and the facts of the case.
Feb. 4, '52.	Benjamin McCool.	Selling cider and cake within 1 mile of a campmeeting.	Warrick county.	November term, '51.	5 00	5 00	Granted on the application of the county auditor, clerk, recorder, two justices of the peace, and the representative of the county.
Feb. 5, 1852.	Benjamin Hadden, Abraham Hadden.	Profane swearing.	Putnam co., before Asa Cooper, Esq.	March 26th, 1851.	3 00 6 00	3 00 6 00	Granted on the application of the county auditor, senator and twenty of the neighbors, who are conversant with the facts.
Feb. 12, '52.	David McGaughey.	Retailing, 5 cases.	Franklin county.	August term, 1851.	20 00	20 00	Granted on the application of the prosecuting attorney, senator, and the eleven attorneys of Brookville.
Feb. 20, '52.	Henry Albright.	Forfeited recognition.	Clay county.	October term, 1851.	50 00	50 00	Henry become bail for his son Samuel, who failed to appear, and judgment was rendered. This remittitur is granted on the application of the six trustees of the seminary fund, clerk of the court, the individual whose property is said to have been taken, and about one hundred and twenty-five other citizens of said county.

March 17, 1852.	Ann D. Johnson and William G. K. Johnson.	Forfeited recognition for David T. Baldwin on charge of larceny.	Knox county.	August term, 1851.	200 00	150 00	Granted on the application of three county commissioners, treasurer, auditor, representative, and one hundred other citizens of the county of Knox who were familiar with the transaction.
March 25.	William Evans.	Forfeited recognition for Thomas Fortune.	DeCATUR county.	Fall term, 1844.	25 00	25 00	Granted on the application of the clerk, auditor, treasurer, sheriff, those who represent the school fund of the county, and many of the citizens of Greensburgh.
March 30.	Wm. C. Foster, jr.	Assault and battery.	Monroe county.	March term, 1852.	43 00	43 00	Granted on the application of the five trustees of the county seminary, to-wit: Maxwell, Hamill, Butler, Stone and Robinson, a majority of the jury that tried the case, school commissioner, county auditor, treasurer, and divers other citizens.
April 5, '50.	Francis Sommers.	Retailing, 3 cases, \$2 in each case.	Boone county.	October term, 1851.	6 00	6 00	Granted on the application of the county treasurer, auditor, school commissioner, the three county commissioners, senator, representative, and six, &c. other citizens of the county giving the facts of the case, and exhibiting the fact that the defendant is subject to epilepsy, and that it would be oppressive on the said defendant to pay said fines; and showing that the application is one calling for executive clemency or interference.
April 9, '52.	Milton Mahla.	Neglecting to return marriage license.	Montgomery county.	March term, 1852.	5 00	5 00	Granted on the application of the circuit judge, prosecuting attorney, clerk, sheriff, and Samuel C. Wilson and Joseph B. McDonald attorneys at law.
Apr. 14, '52.	Henrick Wedelstadt.	Assault and battery.	Dearborn county.	January 2d, 1851, before the mayor of Lawrenceburgh.	25 00	25 00	Granted on the application of the mayor, prosecuting attorney, postmaster, three trustees of the seminary fund, auditor, clerk, and the attorneys of Lawrenceburgh.
Apr. 23, '52.	Edward W. Walker.	Assault and battery.	Greene county.	Feb. 4th, 1852, before Solomon Wilkerson Esq.	20 00	20 00	Granted upon the application of one hundred and twenty eight citizens of the neighborhood, who are acquainted with parties, clerk of the court and treasurer of the county.
Apr. 26, '52.	Anthony Clever.	Suffering gambling in his house.	Dearborn county.	March term, 1852.	50 00	50 00	Granted on the application of a majority of the jury that tried the cause, president judge, clerk, trustees of district school, associate judge, two representatives, and numerous other citizens of Lawrenceburgh.
Apr. 27, '52.	Edward F. Krutz.	Forfeited recognition for John Lamphere for robbery.	Switzerland county.	— Term, 18—.	300 00	300 00	Granted upon the application of the county auditor, sheriff, clerk treasurer, trustee of township, and sixty other citizens of the community who are acquainted with the circumstances.
Apr. 28, '52.	Balle Coates.	Retailing in two cases.	Marion county.	June term, 1851	51 00	51 00	Granted on the application of the prosecuting attorney, county assessor, recorder, clerk, district attorney, seminary trustee, and other citizens.

## A LIST OF FINES AND FORFEITURES REMITTED BY THE EXECUTIVE FROM NOVEMBER 1, 1851, TO DECEMBER 31, 1852—Continued.

DATE.	TO WHOM GRANTED.	OFFENSE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Apr. 28, '52.	George Donnellan.	Riot.	Marion county, before H. C. Newcomb, mayor of Indianapolis.	10th day of October, 1851.	\$10 00	\$10 00	Granted on the application of the city marshal, clerk of the circuit court; Wilkins, Henderson, Dunlap, and McCarty, trustees of seminary fund, prosecuting attorney and others.
Apr. 29, '52.	Stephen Weoden.	Forfeited recognizance for Jesse Wooden's appearance.	Daviness county.	October term, 1850.	100 00	100 00	Granted on the application of the president judge, clerk, auditor, treasurer, assessor, recorder, and sixty-five other citizens of the county, intimately acquainted with the circumstances of the case.
Apr. 29, '52.	Lewis Arnel.	Malicious mayhem.	Madison county.	March term, 1852.	63 33	63 33	Granted upon the application of a part of the jury, clerk, school commissioner, auditor, sheriff, treasurer, recorder, the party said to be injured and sixty other citizens acquainted with both the parties.
May 5, 1852	Anderson Perkins.	Assault and battery, two cases.	Putnam county.	January 10th, 1852, before J. C. Gooden, Esq., J. P.	6 00	6 00	Granted upon the application of the county auditor, treasurer, senator, and twenty other citizens familiar with the case.
May 5, 1852.	Jesse Purcell.	Profane swearing.	Putnam county.	February, 1852, before J. S. Wright, Esq., J. P.	4 00	4 00	Granted upon the application of the president of the board of trustees of the county seminary, auditor, the justice who assessed the fine, representative, and thirty other neighbors familiar with the case.
May 11, '52.	Joseph Forden.	Assault and battery.	Daviness county.	Nov. term, 1846.	100 00	100 00	Granted on the application of the clerk, auditor, treasurer, sheriff, representative, and eighty of the citizens of the county who are acquainted with the transaction.
May 31, '52.	James Blair and Stephen Williams.	Failing to attend as grand jurors under attachments.	Vermillion county.	April term, 1852.	25 00 25 00	25 00 25 00	This remittitur is granted on account of the sickness and age of the principal (James Blair) and also for his general good conduct and services to the State and nation in various capacities.
June 1, 1852.	Joseph Henry.	Forfeited recognizance.	Cass county.	February term, 1851	25 00	25 00	Granted on the statement of the president judge, and sheriff of the county, that said Henry was the bail on recognizance for John Carter, who afterwards appeared, was tried and fined which fine and costs were stayed, and paid by said Carter.
June 8, 1852.	Oliver Heath.	Retailing, two cases.	Hendricks county.	April term, 1852.	22 00	22 00	Granted on the application of school commissioner, auditor, treasurer, clerk, sheriff, recorder, and sixty other citizens, neighbors of said Heath, and who are well acquainted with the circumstances of the case



June 14, '52.	Rolly A. Taylor.	Recognizance bail for George Merri-man.	Floyd county.	October term, 1848.	\$50 00	Granted upon the application of the clerk, sheriff, senator, and other officers of the county, showing that the principal had been acquitted of the offense for which he was indicted, and on which this forfeiture was taken.
June 16, '52.	William Sperry.	Retailing, 5 cases.	Jennings county.	February term, 1852.	25 00	Granted on the application of the clerk, auditor, treasurer, sheriff, commissioners, senator, representative, and a large number of Sons of Temperance who represent that said Sperry has quit the business, and is a very poor man.
July 2, 1852.	George Williamson, alias Geo. Wood.	Riot, and assault and battery.	Porter county.	March term, 1852.	50 00 25 00	Granted on the application of the five trustees of the county seminary, auditor, sheriff, recorder, and treasurer, being all the officers having control of the school fund in Porter county.
Nov. 8, 1852.	Charles Crause.	Retailing.	Dubois county.	August term, 1852.	20 00	Granted upon the application of the clerk, treasurer, school commissioner, sheriff, and divers other citizens.
Nov. 8, 1852.	John Sienersince.	Assault and battery.	Dubois county.	August term, 1852.	20 00	Granted upon the application of the clerk, treasurer, school commissioner, sheriff, and divers other citizens.
Nov. 12, '52.	William Hargrave.	Assault and battery.	Warrick county.	November term, '52.	10 00	Granted upon the application of the clerk, treasurer, auditor, and those who represent the school fund of the county.
Nov. 24, '52.	William Rawlings	Keeping gaming house.	Knox county.	August term, 1852.	50 00	Granted on the application of three county commissioners, clerk of the circuit court, auditor, treasurer, and forty-five citizens of Vincennes, who were familiar with the transaction.
Nov. 27, '52.	Austin Guthrie.	Recognizance bail for James Burns, charged with passing counterfeit money.	Marion county.	May term, 1852.	150 00	Granted on the application of the clerk of the circuit court, sheriff, auditor, and treasurer, who represent the school fund of the county, and one hundred and seventy-five of the citizens of the neighborhood where the transaction occurred, who allege the inability of the defendant to pay the same without distressing a large and helpless family; and showing the said Guthrie to be afflicted with a disease which renders him unable to labor.
Nov. 30, '52.	Aaron L. Goodwin, (now deceased.)	Keeping gaming house; retailing, 3 cases.	Switzerland county do	May term, 1852. do	50 00 11 00	These remittitures are granted on the application of the clerk of the circuit court, treasurer elect, and one hundred and fifty other citizens of the county showing the death of Goodwin, and the minority of Teague, their extreme poverty, leaving a family dependent upon the widow for support.
do do	Merritt Teague.	Retailing, 3 cases,	do do	do do	11 00	

LIST OF FINES AND FORFEITURES REMITTED BY THE EXECUTIVE, FROM NOVEMBER 1, 1851, TO DECEMBER 31, 1852--Continued.

DATE.	TO WHOM GRANTED.	OFFENSE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Nov. 30, '52.	Morgan Carver.	Security on forfeited recognizance for one William Scott, charged with larceny.	Ohio county.	August Term, 1852.	\$300 00	\$300 00	Granted on the application of the judge and prosecuting attorney of the court of common pleas, also the clerks, recorders, auditors, treasurers, and sheriffs of Ohio and Switzerland counties, and the circuit judge, and two hundred citizens of Switzerland county, where the transaction occurred and the parties reside, alleging that Scott, the principal, is dead, leaving a widow and six small children, who without this release would be left without home or means.
Dec. 2, 1852.	Henry Reap.	Fraudulently voting	Jennings county, before Wm. A. Bullock, Esq., Mayor of Vernon.	October term, 1852.	5 00	5 00	Granted on the application of the treasurer, auditor, sheriff, recorder, marshal of the town, senator, and various other citizens, who allege the innocence of the defendant of the charge made against him.
Dec. 3, 1852.	John H. Eurtou.	Keeping gaming house. Keeping disorderly house.	Harrison county. do do	April term, 1852. do do	50 00 10 00	60 00	Granted on the application of the sheriff, clerk, treasurer, auditor, recorder, and two hundred other citizens of the county, who allege that the defendant has had the misfortune to have his house and household furniture destroyed by fire, since the assessment of the fines.
Dec. 6, 1852.	George Veach.	Assault and Battery.	Henry county.	Fall term, 1851.	200 40	100 00	Granted on the application of the circuit judge, prosecuting attorney, treasurer, clerk, recorder, auditor, the members of the Bar, and some fifteen other citizens, intimately acquainted with the facts of the case, showing the inability of the defendant to pay the whole of the judgment.
Dec. 20, '52.	Paris C. Dunning.	Forfeited recognizance, on indictment for false pretences, found Mar. term, 1850.	Morgan county.	March term, 1852.	1,000 00	1,000 00	Granted on the application of the circuit judge before whom the judgment was rendered, also the present presiding judge, who allege that the said Dunning, after the forfeiture aforesaid, was discharged from the offense upon which said judgment was founded; and upon the ground "that the State never presented against him any valid legal charge, and ought not to make money out of him on an invalid one," together with the treasurer, auditor and clerk of Monroe county, all of whom unite in urging the remission of the judgment aforesaid. The remonstrance of the officers of the county of Morgan, in connection with the opinion of some fifty of the

Dec. 20, '52.	James M. H. Allison	Recognizance bail for Milton Messick.	Henry county.	Nov. term, 1851.	25 00	25 00	principal citizens of said county, is filed, remonstrating against the remission; they do not however deny the facts so clearly set forth by the two circuit judges that the said Dunning was discharged from the offense upon which the forfeiture had been taken.
do	do	Louissant Porrier.	Recognizance bail for Francis Porrier.	February term, 1851.	50 00	50 00	Granted upon the application of the clerk, treasurer, sheriff, and twelve other citizens of the county of Greene, showing that said Messick was prevented attending at said term by the sickness of his family, and that subsequently he removed to the county of Henry, where the indictment was pending.
do	do	Reason Ross.	Replevin bail for Peter Myers.	April term, 1851.	12 00	12 00	Granted upon the application of the three county commissioners, auditor and treasurer, showing that for the offense for which the recognizance was entered into, the said Francis Porrier was subsequently tried, convicted, and is now in the State prison.
Dec. 24, '52.	Frederick Sumnam.	Retailing.	Perry county.	April term, 1852.	20 00	20 00	Granted upon the application of the president judge, associate judge, clerk, sheriff, auditor and treasurer, showing that the principal, Peter Myers, has left the county, leaving no means, and his bail, said Ross, is a very poor man and unable to pay.
							Granted on the application of the clerk, treasurer, sheriff, and auditor, who state the defendant's ignorance of the law, and that he had given up the business of retailing.

The Senate then retired to their chamber.

On motion by Mr. Buell,

The Governor's Message was laid on the table, and made the special order for Wednesday next at 10 o'clock, A. M., in committee of the whole House.

The Speaker laid before the House reports from the branches of the State Bank at Madison and Terre Haute.

Which were informally laid on the table for the present.

Mr. Seawright moved to print 10,000 copies of the Governor's Message.

Mr. McDonald moved to amend the motion by adding one thousand additional copies with the list of pardons and the remission of fines therewith submitted, for the use of the Governor.

Which motion did not prevail.

Mr. Hamrick moved to amend by striking out ten thousand and inserting three thousand copies.

Which motion prevailed.

The question recurring on the adoption of the proposition to print as amended,

It was agreed to.

Mr. Dufour moved to print four thousand copies of the Governor's Message in the German language.

Which was decided in the negative.

Mr. Maxfield moved that one thousand copies be printed in the German language.

Mr. Howell moved to amend by striking out "one thousand," and inserting "two thousand."

Which motion did not prevail.

The question then recurring on the proposition of Mr. Maxfield, It was agreed to.

Mr. Moss offered the following resolution:

*Resolved*, That the Doorkeeper be required to furnish another table within the bar for the use of the reporters of the proceedings and speeches of the House of Representatives.

Mr. Dufour moved to amend the resolution by requiring the Reporter to furnish his own table.

On motion by Mr. Hamrick,

The resolution and pending amendment were laid on the table.

Mr. Underwood offered the following resolution:

*Resolved*, That the number of assistant Doorkeepers to the House of Representatives, be restricted to three during the present session.

Mr. Johnson moved to amend the resolution by striking out the word "three," and inserting "two."

Which motion did not prevail.

The question then recurring on the adoption of the resolution, It was agreed to.

On motion by Mr. Ballard,

*Resolved*, That the principal and assistant clerks be authorized to employ one assistant each, and that the names of such assistants when appointed, be reported to the House.

John P. Freeland, the Representative elect from the county of Knox, appeared, produced his credentials, and was sworn into office by the Speaker.

On motion by Mr. Gentry,

It was ordered that five hundred copies of the Governor's Message be printed for the use of the Governor.

Mr. Dufour offered the following resolution :

*Resolved*, That a committee of three be appointed to contract with the proprietors of the Daily State Sentinel and Daily State Journal for three copies of each of said papers for the use of each member of this House during the session.

On motion by Mr. Johnson,

The resolution was laid on the table.

Mr. Gentry moved that the House adjourn to meet to-morrow at nine o'clock, A. M.

Which motion did not prevail.

On motion by Mr. Henry,

The House adjourned to meet to-morrow morning at 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 7, 1853. }

The House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

On motion by Mr. Gentry,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, *instanter*, for the purpose of opening the present session of the General Assembly with prayer, and that seats be provided on the right of the Speaker's chair.

*Ordered*, That the clerk inform the Senate of the adoption of said resolution.

The Senate then came in and took their seats, when the Rev. C. W. Ruter addressed the Throne of Grace by prayer, after which the Senate retired to their chamber.

The Speaker laid before the House the following communication :

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—You will please lay the accompanying resolution before the honorable body over which you preside.

Very Respectfully,

JOHN B. DILLON,

*Secretary State Board of Agriculture.*

Indianapolis, January 6, 1853.

*Resolved*, That the State Board of Agriculture invite the members of the Senate and House of Representatives, to attend their evening sessions, and to participate in the general discussions of the Board, and that the Secretary be requested to transmit a copy of this resolution to both Houses now in session, and that the Speaker be requested to ask the use of the Hall for the evening meetings of the Board.

On motion by Mr. Gentry,

*Resolved*, That the House will, the Senate concurring therein, proceed this day at the hour of two o'clock P. M. to open and publish the vote cast for Governor and Lieutenant Governor, in this State, at the last annual October election.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof: No. 1. A bill to transfer the business pending in the Probate Court to the Courts of Common Pleas, in which the concurrence of the House is respectfully requested.

The bill was read a first time.

Mr. Henry moved to suspend the rule and read the bill a second time now.

And the question being put:

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druly, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonnal of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price,

Read, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—94.

Mr. McDonald of Lake, voted in the negative.

So the rule was suspended and the bill read a second time.

Mr. Chapin moved to amend the bill as follows:

Strike out from the enacting clause and insert the following:

SEC. 1. That at the same time, and in the same manner, and by the same body that jurors are selected for the circuit courts of the respective counties of this State, a selection of twelve jurors shall be made, (possessing the requisite qualifications for jurors of the circuit court) for each term of the court of common pleas in each county, and the jurors so selected for each term shall be required to attend, shall perform like duties, and receive like compensation as petit jurors of the circuit court.

SEC. 2. That in all courts of common pleas now in session, or that may be at any time in session, before such selection of jurors shall be made, or when there may be a neglect to make such selection, or when no jurors shall be in attendance from any cause whatever, or if in attendance, shall be incompetent from any cause to serve as such, or when, after the jurors shall be discharged by such court, a necessity for a jury shall arise, such court may direct the sheriff to summon a jury to serve, either for the trial of a single cause, or to serve the term or the residue thereof.

SEC. 3. That in all causes or matters that are now or shall hereafter be pending in said common pleas court, whether causes or matters transferred from the probate courts, or originally brought or that may hereafter be brought in said common pleas court, in which the judge thereof may be interested in the manner specified, in the 9th section in the act to which this act is supplemental, such causes or matter shall be transferred to the circuit court of the proper county, and upon such transfer such causes or matters shall be proceeded in by such circuit court, in the same manner as they should have been proceeded in by said common pleas court, had they remained therein.

On motion by Mr. Pratt,

The bill and pending amendment were referred to a select committee of five, consisting of Messrs. Pratt, Hicks, Moss, Turpie and Read.

A message from the Senate by Mr. Sites their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following resolution:

*Resolved*, That the Senate will, the House concurring, on Tuesday next, at 10 o'clock A. M., in the Hall of the House of Representatives, proceed to elect a U. S. Senator to fill the vacancy occasioned by the death of the Hon. James Whitcomb.

In which the concurrence of the House is respectfully requested.

On motion,

The said resolution was concurred in.

Ordered that the Clerk inform the Senate thereof.

Mr. Buell gave notice of a motion for leave to introduce a bill to create a Bank Department, and otherwise amend the act entitled "An act to to authorize and regulate the business of general banking," approved May 28, 1852.

Mr. Gentry moved to adjourn, to meet at two o'clock, P. M.

Which motion did not prevail.

The Speaker laid before the House the report from the Branch of the State Bank at Evansville,

Which was informally laid on the table for the present.

On motion by Mr. Orr,

*Resolved*, That the Principal Doorkeeper of this House shall act as Sergeant-at-arms for the same, during the present session.

Mr. Seawright presented a petition from sundry citizens of the State of Indiana, asking the passage of a law, exempting from taxation the provisions necessary for family consumption, also granting millers for grinding one-tenth instead of one-eighth of the grain.

Which,

On motion,

Was laid on the table.

On motion by Mr. Laird,

*Resolved*, That the Doorkeeper be required to furnish each member of this House with a copy of the law organizing the Court of Common Pleas, *instantly*.

Mr. Milroy moved to adjourn,

Which motion did not prevail.

On motion by Mr. Manville,

The House adjourned to meet at two o'clock P. M.



2 o'clock, P. M.

The House met.

The Speaker laid before the House the report from the Branch of the State Bank at Michigan City,  
Which was laid on the table informally.

The Speaker presented a petition from Theodore C. Jennings of the county of Owen, contesting the seat of Alfred Dyer, as a Representative from said county.

Mr. Walker of Laporte moved to refer the petition to a select committee of five.

On motion by Mr. Hamrick,  
The petition and pending motion were laid on the table.

A message from the Senate by Mr. Sites, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have concurred in the following resolution of the House:

*Resolved*, That the House will, the Senate concurring therein, proceed this day at the hour of two o'clock, P. M., to open and publish the vote cast for Governor and Lieutenant Governor, in this State, at the last annual October election, with the following amendment:

Strike out the words "this day at the hour of two o'clock P. M.," and insert Monday next at 10 o'clock A. M.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Manville,  
The said amendment was concurred in.  
Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Druly,

*Resolved*, That this House meet each day at 9 o'clock A. M., and 2 o'clock P. M.

On motion by Mr. Buell,

A committee on Swamp Lands was added to the standing committees of the House.

On motion by Mr. Manville,

*Resolved*, That two hundred copies of the rules and joint rules of this House be published for the use of the members.

Mr. Chapin offered the following resolution :

*Resolved*, That the clerk of the House be directed to wait upon the publishers of the State Sentinel, State Journal, Locomotive and Volksblatt, to ascertain the rates per copy for three copies of the daily issue to each member of the House, of the Sentinel and Journal, and of the weekly issue of the Locomotive and Volksblatt, two of the said copies to be enveloped in good wrappers, and one copy to be open. That he report the rates both including and without postage, and also consult the postmaster of this city, and learn what arrangements can be made for the transmission of both newspapers and documents by mail from the members of this House.

Mr. Manville moved to lay the resolution on the table,  
Which motion did not prevail.

The question then recurred on the adoption of the resolution, and being put,

It was agreed to.

On motion by Mr. Pratt,

*Resolved*, That the Secretary of State communicate to this House whether an act entitled "an act to establish courts of common pleas in Indiana," adopted by the last General Assembly, has been published and circulated in the several counties of this State; and what number of copies have been circulated in the different counties.

On motion by Mr. Graham,

*Resolved*, That the doorkeeper be instructed to report to this House the names of the assistant doorkeepers employed by him.

Mr. Seawright offered the following resolution :

*Resolved*, That the doorkeeper furnish each member of this House with two copies of a printed report of each of the several Branches of the State Bank of Indiana, as they may be reported to the speaker.

Which was disagreed to.

Mr. Martin moved that the House adjourn,

Which motion did not prevail.

Mr. Walker of Laporte offered the following resolution,

*Resolved*, That the doorkeeper be instructed to contract for the printing of four thousand copies of the Governor's Message in the German language, in addition to the number already ordered by this House.

Which was disagreed to.

Mr. Farnsley moved that the House adjourn.

Which motion did not prevail.

Mr. Underwood offered the following resolution :

*Resolved*, That the House of Representatives, the Senate concurring, will go into the election of Canal Trustee, on Wednesday next at ten o'clock A. M.

Mr. Druly moved to amend the resolution by striking out "Wednesday," and insert "Tuesday," pending which,

On motion by Mr. Henry,

The resolution was laid on the table.

Mr. Laird offered the following resolution :

*Resolved*, That section thirty-one of the act of 1852, organizing the Court of Common Pleas be stricken out, and the following substitute inserted. That the Judge of the said Court of Common Pleas after the second term of said Court, in each county comprising his district, may change the time of holding his court in said counties: *Provided*, that at least three months' notice of such change be given by the Clerk of said court by publication in a newspaper, in each of the counties in which said change is to be made, also by having the same posted up in writing in each of the Clerks' offices of said counties, and: *Provided, also*, that said court shall in all cases commence its terms as provided in section No. 29.

On motion by Mr. Chapin,

The resolution was referred to the select committee appointed on that subject this morning.

Mr. Work offered the following resolution :

*Resolved*, That two thousand copies of the Governor's Message, in addition to the number already ordered, be printed in the German language.

Mr. Pratt proposed to amend the resolution by striking out "two" and inserting "one."

Which was accepted by the mover.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Henry and Buell.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferguson, Fleming, Gentry, Hammond, Handy, Hendricks, Henry, Howell, Laird, Lasselle, Lemon, Lines, Lowe, McCormick, McDonald of Lake, McDonnal of Sullivan, McKee, Milroy, Moss, Parker, Pratt, Price, Read, Richardson, Seawright Service, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Clark, Donald, Donaldson, Dyer, Ferris, Freeland, Goodman, Gootee, Graham, Green, Hamrick, Harris,

Hartley, Henton, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lewis, Manville, Martin, Maxfield, McClure McKinney, Orr, Rockafellar, Scott, Shelby, Shoemaker, Shurman, Simpson, Taber, and Yount—39.

So the resolution was adopted.

Mr. Thomas offered the following resolution.

*Resolved*, That three thousand additional copies of the Governor's annual message be printed in the English language for the use of the House.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. McDonald of Lake and Donalson.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavy, Emery, Farnsley, Fleming, Gentry, Goodman, Gootee, Hammond, Handy, Hendricks, Henry, Hicks, Howell, Lasselle, Lemon, Lewis, Lines, Lowe, McCormick, McDonald of Lake, McDonnal of Sulllvan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price Richardson, Scott, Seawright, Shelby, Spencer, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Durham, Ferris, Freeland, Graham, Green, Hamrick, Harris, Hartley, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Manville, Martin, Maxfield, McClure, Pratt, Read, Rockafellar, Service, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Sutton, Taber, Walker of Rush and Yount—36.

So the resolution was adopted.

Mr. Shuman offered the following resolution:

*Resolved*, That one thousand copies of the Governor's Message be printed in the French language.

Which was disagreed to.

On motion by Mr. Martin,  
The House adjourned.

SATURDAY MORNING, 9 o'clock, }  
January 8th, 1853. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

The Speaker announced the following standing committees:

### STANDING COMMITTEES.

#### *Committee on Elections.*

Messrs. Struble, Jones of Boone, Ballard, Brecount, Bridges, Stackhouse, and Walker of Rush.

#### *Committee on Ways and Means.*

Messrs. Buell, Seawright, Stockwell, Lasselle, Manville, Dodd and Jennings.

#### *Committee on Judiciary.*

Messrs. McDonald of Lake, Moss, Pratt, Scott, Hendricks, Read, and Turpie.

#### *Committee on Education.*

Messrs. Walker of Laporte, Cooper, Fleming, Gentry, Ferris, Hamrick and Underwood.

#### *On Banks.*

Messrs. Chapin, Donnelson, Howell, Dyer, Work, Lowe and Service.

#### *On Military Affairs.*

Messrs. Gentry, Steele, Bundy, Peckenpaugh, Shoemaker, Hammond and Greene.

#### *On the affairs of the State Prison.*

Messrs. Read, Catlin, Tanner, Durham, Jones of Ripley, Laird, and Freeland.

#### *On the affairs of the town of Indianapolis.*

Messrs. Price, Graham, Brothwell, Handy, Jones of Jennings, Harris and Martin.

#### *On Claims.*

Messrs. Henry, Struble, Emery, Ferguson, Goodman, Brothwell, McDonnal of Sullivan.

*On Roads.*

Messrs. Gootee, Hartley, Wilson, Shuman, Ryon, Able and Taber.

*On Canals and Internal Improvements.*

Messrs. Henton, Milroy, Burnett, Sutton, Yount, Dunlavey and Donald.

*On Agriculture.*

Messrs. Farnsley, McKee, Druly, Johnson, Steele, McKinney and Lewis.

*On Corporations.*

Messrs. McClure, Simpson Turpie, Pratt, Maxfield, Jones of Ripley and Hunt.

*On Enrolled Bills.*

Messrs. Thomas, Hicks, Durham, Stephens, Greene, Lines, and Hooper.

*On Engrossed Bills.*

Messrs. Fleming, Orr, Lemon, Bundy, Shelby, Hammond and Jones of Boone.

*On Public Expenditures.*

Messrs. Parker, Richardson, Rockafellar, Ryon, Lemon, Stackhouse and Ballard.

*On Benevolent and Scientific Institutions.*

Messrs. Underwood, Dufour, Hamrick, Tanner, Handy, Catlin, and Service.

*On Manufactures and Commerce.*

Messrs. Bridges, Farnsley, Price, Brown, Ferguson, Hunt and Orr.

*Rights and Privileges of the inhabitants of the State.*

Messrs. Dufour, Milroy, Maxfield, Spencer, McClure, Burnett and Jones of Jennings.

*On the Organization of Courts of Justice.*

Messrs. Moss, Spencer, Howell, Hicks, Clark, Laird and Hooper.

*On Swamp Lands.*

Messrs. Brown, Thomas, Walker of Laporte, McDonald of Lake, Brecount, McCormick and Freeland.

## JOINT COMMITTEES.

*On Public Buildings.*

Messrs. Rockafellar, Gootee and Taber.

*On Canal Fund.*

Messrs. Stockwell, Emery and Stephens.

*On the State Library.*

Messrs. Cooper, Ferris and Buell.

The Speaker announced the following order of business.

## ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, Memorials and Remonstrances.
- III. Reports from Standing Committees:
  - 1st. On Elections.
  - 2d. On Ways and Means.
  - 3d. On the Judiciary.
  - 4th. On Education.
  - 5th. On Military Affairs.
  - 6th. On the affairs of the State Prison.
  - 7th. On the affairs of the town of Indianapolis.
  - 8th. On Claims.
  - 9th. On Roads.
  - 10th. On Canals and Internal Improvements.
  - 11th. On Agriculture.
  - 12th. On Corporations.
  - 13th. On Banks.
  - 14th. On Public Expenditures.
  - 15th. On Benevolent and Scientific Institutions.
  - 16th. On Manufactures and Commerce.
  - 17th. On the Rights and Privileges of the Inhabitants of this State.
  - 18th. On the organization of Courts of Justice.
  - 19th. On Swamp Lands.

IV. Reports from Joint Standing Committees:

- 1st. On Public Buildings.
- 2d. On the Canal Fund.
- 3d. On the State Library.

V. Reports from Select Committees.

VI. Resolutions of the House.

VII. Joint Resolutions.

VIII. Introduction of Bills.

IX. Orders of the Day.

On motion by Mr. Farnsley,

Two hundred copies each of the Standing Committees and the Order of Business, were ordered to be printed.

The Speaker laid before the House the following communication from the President of the Board of Trustees of the Wabash and Erie Canal, and the accompanying report:

TERRE HAUTE, *December 15, 1852.*

HON. OLIVER B. TORBET,

*Speaker of the House of Representatives.*

SIR,—I have the honor to transmit herewith the report of the Board of Trustees of the Wabash and Erie Canal, to be laid before the House over which you have the honor to preside.

Respectfully, your obedient servant,

CHARLES BUTLER,

*President of the Board, etc.*

Mr. Donelson moved to lay the said report upon the table, and print one thousand copies.

Mr. Graham proposed fifteen hundred copies,

Which was disagreed to.

The question then recurring on the proposition to print one thousand copies, it was agreed to.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following resolution:



*Resolved*, That the Senate will, the House concurring, proceed on next Wednesday, at 10 o'clock, A. M., to the election of a canal trustee.

In which the concurrence of the House is respectfully requested.

Which said resolution was concurrred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Pratt from a select committee made the following report :

**MR. SPEAKER :**

The select committee to whom was referred Senate bill No. 1, and the pending amendments thereto offered in the House, have had the same under consideration, and have instructed me to report the following amendments to the house, and ask their concurrence therein.

1st. Amend the title of the bill so that the same shall read as follows, to-wit :

"An act to amend the fourth section of an act approved May 14, 1852, entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties and providing compensation for the judges thereof," which fourth section reads as follows, to-wit :

"The court of common pleas within and for the county or counties for which it is organized, shall have original and exclusive jurisdiction in all matters relating to the probate of last wills and testaments, granting of letters testamentary, of administration, and of guardianship ; of all matters relating to the settlement and distribution of decedents' estates, and the personal estates of minors ; all actions against executors and administrators ; to authorize guardians to sell and convey real estate of their wards : and the appointment of guardians of persons of unsound mind ; the examination and allowance of the accounts of executors and administrators, and of the guardians of minors, except when in special cases concurrent jurisdiction is given by law to some other court ; and to transfer the probate business pending in the probate and circuit court to the court of common pleas, and to provide for juries therein.

2d. Amend the first section of the bill by inserting after the word "State," in the second line as follows :

"And all business heretofore transferred from such probate courts to the circuit courts, and all probate business commenced in the circuit courts by virtue of any local law."

3d. Amend the 2nd section by striking out sec. 3d, and adding thereto as follows :

"And shall be published in the State Sentinel and State Journal.

4th. Insert the following as section 2 :

"SECTION 2. In all causes to be tried before the court of common pleas, until further provision is made by law, juries may be selected and empaneled by the sheriff under the direction of the judge whenever a jury is demanded, such jury to consist of twelve householders or freeholders of the county, or of such less number as the

parties may agree upon, and to be paid in like manner with petit jurors of the circuit court.

Which report was concurred in, the said amendment ordered to be engrossed, and the bill ordered to a third reading.

On motion by Mr. Gentry,

The petition of Theodore C. Jennings, contesting the seat of Mr. Dyer, was taken from the table and referred to the committee on Elections.

On motion,

Leave was granted and Mr. Buell introduced

Bill No. 1. A bill to create a bank department and otherwise amend an act entitled "An act to authorize and regulate the business of General Banking," approved May 28th, 1852.

Which was read a first time.

Mr. McDonald of Lake moved to suspend the rule and read the bill a second time now.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Donald, Donelson, Druly, Dunlavey, Durham, Dyer, Ferris, Gentry, Goodman, Handy, Harris, Hartley, Henton, Hicks, Howell, Hunt, Jennings, Jones of Boone, Jones of Ripley, Lewis, Manville, Martin, Maxfield, McCormick, McClure, McDonald, of Lake, McDonnal of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Rockafellar, Scott, Shelby, Shuman, Simpson, Spencer, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work and Yount—60.

*Those who voted in the negative were,*

Messrs. Brecount, Brothwell, Catlin, Cooper, Dufour, Emery, Farnsley, Ferguson, Fleming, Freeland, Gootee, Graham, Greene, Hammond, Hamrick, Hendricks, Henry, Hooper, Johnson, Jones of Jennings, Laird, Lasselle, Lemon, Lines, Lowe, Pratt, Read, Richardson, Ryon, Seawright, Service, Shoemaker, Stackhouse, Sutton, Taber, Walker of Rush and Mr. Speaker—37.

So the rule was not suspended.

The said bill was then passed to a second reading.

On motion by Mr. Chapin,

The vote of yesterday, concurring in the amendment of the Senate to the resolution of the House fixing the time for counting the votes for Governor and Lieutenant Governor, was reconsidered.

The question then being on concurring in said amendment,

On motion by Mr. Chapin,

The House concurred in the Senate's amendment, with the following amendment:

Strike out "Monday next at 10 o'clock A. M.," and insert "this day at two o'clock, P. M."

On motion by Mr. Chapin,

*Resolved*, That the State Printer be directed to lay upon the desks of the members of the House one copy each, of the second volume of the Revised Statutes of 1852, in convenient form for examination.

On motion by Mr. Dunlavey,

*Resolved*, The House will, the Senate concurring therein, proceed to the election of State Librarian, on Wednesday next at 2 o'clock P. M.

On motion by Mr. McClure,

*Resolved*, That the judiciary committee inquire into the expediency of amending the act establishing Courts of Common Pleas, so as to give a name or style to the court, also to give to the clerk of the court the authority to indorse the amount of bail on warrants issued during vacation of said court, and that the said clerk may have authority to issue summons to other counties than the one in which he is situated, and report by bill or otherwise.

On motion by Mr. Hooper,

*Resolved*, That the committee on the judiciary be, and they are hereby instructed to introduce a bill to abolish the office of Agent of State.

Mr. Burnett offered the following resolution:

*Resolved*, That the committee on the judiciary be required to inquire into the constitutionality and expediency of passing a law to prevent negroes and mulattoes from acquiring real estate.

Which was not agreed to.

Mr. Bundy offered the following resolution:

*Resolved*, That the doorkeeper be allowed one additional assistant during the present session.

Mr. Work moved that the resolution lie on the table,

And the question being put:

The ayes and noes were demanded by Messrs. Graham and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brothwell, Buell, Burnett, Catlin, Clark, Cooper, Donald, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Goodman, Graham, Greene, Hamrick, Harris, Hartley, Hendricks, Henton, Hooper, Hunt, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Maxfield, McClure, McDonnal of Sullivan, McKee, McKinney, Milroy, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Thomas, Underwood, Walker of Rush, Wilson, Work and Yount—68.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Brown, Bundy, Chapin, Dodd, Donaldson, Druly, Gentry, Gootee, Hammond, Handy, Henry, Hicks, Howell, Jennings, Jones of Ripley, Manvillè, Martin, McCormick, Moss, Orr, Parker, Spencer, Struble, Taber, Turpie, Walker of La-porte, and Mr. Speaker—28.

So the resolution was laid on the table.

On motion by Mr. Gentry,

*Resolved*, That the House will, the Senate concurring, go into the election of State Printer on Thursday next, at two o'clock, P. M.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Druly,

*Resolved*, That the House will, the Senate concurring, go into the election of President of the State Bank on Thursday next, at ten o'clock, A. M.

On motion by Mr. Read  
he House adjourned.

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2 o'clock, P. M.

House met.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the amendment of the House to the amendment of the Senate, to the resolution of the House, to count the votes for Governor and Lieutenant Governor, this day at 2 o'clock.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House, fixing the day of the election of State Librarian to Wednesday next, at 2 o'clock, P. M.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House fixing the day for the election of President of the State Bank on Thursday next, at 10 o'clock, A. M.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House fixing the day of the election of State Printer, for Thursday next at 2 o'clock, P. M.

The Speaker laid before the House the following communication from the Treasurer of State, with the accompanying report:

OFFICE OF TREASURER OF STATE, }  
INDIANAPOLIS, January 8, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—I have the honor to lay before the House over which you preside, my annual report for the fiscal year ending on the 31st October, 1852.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. P. DRAKE,

*Treasurer of State.*

Mr. Peckenpaugh, the representative elect from the county of Crawford, being in attendance, presented his credentials, and was sworn into office by the Speaker.

On motion by Mr. Fleming,

*Resolved*, That the Senate be invited to attend in the hall of the House instanter, to proceed to open and publish the vote cast at the last annual October election for Governor and Lieutenant Governor.

Ordered that the Clerk inform the Senate thereof.

The Senate then came into the hall of the House, when the Speaker of the House of Representatives, in the presence of both bodies of the General Assembly, proceeded to open the returns of the votes cast for Governor and Lieutenant Governor of the State of Indiana, on the 12th day of October, 1852; and, on counting all the votes returned, it appeared therefrom, that for the office of Governor,

Joseph A. Wright had received.....	92,576 votes.
Nicholas McCarty had received .....	73,641 “
Andrew L. Robinson had received.....	3,303 “
And J. L. Robinson had received .....	1 “

Joseph A. Wright having received a plurality of the votes given, was, by the president of the Senate, in the presence of both Houses

of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years from and after the second Monday in January, A. D., 1853.

For the office of Lieutenant Governor, it appeared from the returns aforesaid, that

Ashbel P. Willard had received .....	90,239 votes.
William Williams had received .....	75,094 "
James P. Milliken had received .....	3,086 "
E. B. Crocker had received .....	78 "
And S. C. Stevens had received .....	14 "

Ashbel P. Willard having received a plurality of the votes given, was, by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana for the term of four years from and after the second Monday of January, A. D. 1853.

The Senate then retired to their Chamber.

On motion by Mr. Gentry,

*Resolved*, That a committee of two be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait on His Excellency, Joseph A. Wright, and the Hon. Ashbel P. Willard, and inform them of their election; the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain from them what time it will suit their convenience to take the oath of office.

Messrs. Gentry and Hendricks were appointed said committee on the part of the House.

Ordered that the Clerk inform the Senate thereof.

The Speaker laid before the House the report from the branches of the State Bank at Bedford, South Bend and New Albany;

Which were laid on the table.

On motion by Mr. Gentry,

The reports of all the branches of the State Bank, now on the table, were taken therefrom, and referred to the committee on Banks.

On motion by Mr. Laird,

*Resolved*, That the Judiciary committee be requested to report a bill for taking the enumeration of the whole male inhabitants of this State over the age of twenty-one years, in accordance with the requirements of the 4th section of the second article of the Constitution.

On motion by Mr. Druly,

The House adjourned.

MONDAY MORNING, 9 o'clock, }  
January 10, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House, appointing a committee to wait upon the Hon. JOSEPH A. WRIGHT and Hon. ASHBEL P. WILLARD, and inform them of their election, and ascertain from them when it will suit them to take the oath of office.

Messrs. Brown and Spann were appointed a committee on the part of the Senate.

The Speaker laid before the House, the following communication from the Principal Clerk of the House of Representatives.

HALL OF THE HOUSE, }  
January 10, 1853. }

Hon. O. B. TORBETT,

*Speaker of the House.*

In accordance with the resolution of the House directing me to wait upon the Editors of the Sentinel, Indiana State Journal, Locomotive and Volksblatt, and ascertain the rates per copy, they would furnish three copies of each of the above daily and weekly papers, beg leave to report that the Editors of the Indiana Sentinel and Indiana State Journal have proposed to furnish three copies of the daily issues of their paper, two of said copies to be enveloped in good substantial wrappers and one copy open, without postage, at the rate of three cents per copy, with postage, an additional cent will be charged. The Locomotive (weekly) can be procured at two cents per copy without postage or three cents with. The Volksblatt can be procured at four cents per copy without postage or five cents with.

I would further state that I called upon the postmaster to ascertain what arrangements could be made for the transmission by mail of both newspapers and documents from the members of the House, and was informed that the documents would be taken directly from the House, counted, and charged to the State, provided arrangements were made for the auditing of the postmaster's account when-

ever he might desire it, by directing the Clerk of the House to certify it directly to the Auditor of State.

I have the honor to remain your obedient servant,

WILLIAM R. BOWES,

*Clerk of the House of Representatives.*

Which was laid on the table.

On motion by Mr. Gootee,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the propriety of so changing the law regulating the sale of said land as to require the purchaser to pay one-fourth at the time of purchase, and the interest yearly in advance on the remainder, until paid for, which time shall not exceed twenty years.

On motion by Mr. Underwood,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the 138th section of "an act providing for the settlement of decedents' estates," so that a distribution of the surplus of estates may be made at any time after final settlement; also, to authorize clerks to make settlements with administrators in vacation.

On motion by Mr. Gootee,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of changing the law so as to make it the duty of the county commissioners to appoint an agent in each of their respective counties to superintend the draining of said land.

On motion by Mr. Milroy,

*Resolved*, That there be a select committee on Temperance appointed, composed of one from each congressional district, to whom all petitions, resolutions and communications on that subject shall be referred, with leave to report by bill or otherwise.

On motion by Mr. Turpie,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of so amending the act providing for the election of supervisors, approved June 18th, 1852, as to restrict voters in the election of said officers to voting for that office, for the district in which they may reside only, and report by bill or otherwise.

On motion by Mr. Bridges,

*Resolved*, That a committee of three be appointed to confer with the Doorkeeper, and ascertain as near as possible, the necessary number of assistants to do the business of the same and report in-stanter.

Messrs. Bridges, Manville and Walker of Laporte, were appointed said committee.

Mr. Read offered the following resolution.

*Resolved*, That the House will, the senate concurring therein, proceed to the election of a State Agent, on next Friday at two o'clock, P. M.



Mr. Manville moved to amend by striking out the words "next Friday," and insert in lieu thereof "Friday week."

When,

On motion by Mr. Donelson,  
The resolution and pending amendment were laid on the table.

#### ORDERS OF THE DAY.

House bill on second reading.

No. 1. A bill to create a bank department and otherwise amend an act entitled, "An act to authorize and regulate the business of general banking."

Was read a second time.

Mr. McDonald of Lake moved to lay the bill on the table, and print 300 copies for the use of the members.

The question being put:

♦ The ayes and noes were demanded by Messrs. McDonald of Lake and Hamrick.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Goodman, Gootee, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Howell, Jennings, Johnson, Jones of Jennings, Laird, Lasselle, Lemon, Lines, Maxfield, McCormick, McClure, McDonald of Lake, McDonnal of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Rockafellar, Ryon, Scott, Service, Shelby, Simpson, Spencer, Stackhouse, Steele, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Donald, Druly, Ferris, Ferguson, Freeland, Graham, Greene, Hicks, Hunt, Jones of Boone, Jones of Ripley, Lewis, Lowe, Martin, Richardson, Seawright, Shoemaker, and Shuman—18.

So the motion prevailed, and three hundred copies ordered.

Mr. Gentry from a select committee, obtained leave, and made the following report.

MR. SPEAKER:

The committee appointed on the part of the House to act with a similar committee on the part of the Senate to wait upon his excel-

lency Joseph A. Wright, Governor elect, and the Hon. Ashbel P. Willard, Lieutenant Governor elect, and to know of them what time it would suit their convenience to take the oath of office, have performed that duty, and report that they have received for answer from those gentlemen, that they will attend in the Hall of the House of Representatives at two o'clock, P. M.

Mr. Bridges from a select committee obtained leave, and made the following report:

MR. SPEAKER:

The committee appointed to confer with the Doorkeeper and ascertain the number of assistants necessary, beg leave to report, that the duties of said office cannot be efficiently discharged with a less number of assistants than five.

Mr. Donelson moved that the House concur in the report of the committee, and that the Doorkeeper be authorized to employ five assistants.

And the question being put,

The ayes and noes were demanded by Messrs. Pratt and Graham.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Donelson, Dufour, Dunham, Emery, Farnsley, Fleming, Gentry, Handy, Henry, Hicks, Howell, Lasselle, Manville, McCormick, McDonald of Lake, Milroy, Moss, Orr, Parker, Price, Seawright, Spencer, Stevens, Sutton, Tanner, Walker of Laporte, Work and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brown, Burnett, Clark, Donald, Druly, Dunlavey, Dyer, Farris, Ferguson, Freeland, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hartley, Hendricks, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Sullivan, McKee, McKinney, Peckenpaugh, Pratt, Read, Richardson, Rockafeller, Ryon, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stockwell, Taber, Thomas, Turpie, Underwood, Walker of Rush, Wilson and Yount.—60.

So the motion did not prevail.

Mr. Able obtained leave and offered the following resolution.

*Resolved*, That the Doorkeeper of this House be allowed two additional assistants during the present session.

Mr. Seawright moved to amend the resolution by striking out the word "two," and inserting the word "one" in lieu thereof.

When,

On motion by Mr. Pratt,

The resolution and pending amendment were laid on the table.

Mr. McCormick obtained leave and offered the following resolution.

*Resolved*, That the committee on Elections be instructed to report to this House, as early as practicable, upon the petition of Mr. Jennings, referred to said committee, relative to the contested seat of Mr. Dyer.

Which was agreed to.

Mr. Laird obtained leave and offered the following resolution.

*Resolved*, That the committee on Banks be requested to report a bill repealing the act entitled, "an act to authorize and regulate the business of general banking," approved May 28th, 1852.

Which was agreed to.

Mr. Jones of Ripley, obtained leave and offered the following resolution.

*Resolved*, That a committee of two be appointed on the part of the House of Representatives, to act with a similar committee on the part of the Senate, to invite the judges of the supreme court to attend this day at two o'clock, to be present at the inauguration of the Governor and Lieutenant Governor, and that seats be provided for them on the right of the Speaker's chair, and that the Senate be informed of the passage of this resolution.

Which was agreed to.

And Messrs. Jones of Ripley and Orr, were appointed said committee on the part of the House.

Mr. Hicks obtained leave and introduced the following resolution.

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending sec. 66, Art. 3, of the act entitled "An act for the settlement of decedents' estates,"—as to allow executors and administrators to pay and satisfy claims against estates without further evidence than the claimant's own oath, if such executors or administrators be satisfied that such claim or claims be just, and report by bill or otherwise.

Which was agreed to.

#### ORDERS OF THE DAY RESUMED.

#### *Senate bill on third reading.*

No. 1. A bill to transfer the business pending in the probate courts to the courts of common pleas.

Was read a third time,

By unanimous consent of the House,

On motion by Mr. Graham,

Section 2 was further amended by adding the following:

"That a copy of this bill be forthwith forwarded to the clerk of each county in this State."

And the question being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druly, DuFour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stevens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—97.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

The Speaker laid before the House the following report from the President of the Board of Trustees of the Indiana Asylum for Educating the Deaf and Dumb, with the accompanying report:

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

I have the honor of presenting to the General Assembly the ninth annual report of the Indiana Asylum for Educating the Deaf and Dumb.

I am your obedient servant,

L. DUNLAP,

Indianapolis, Jan. 8, 1853.

*President of the Board.*

Which report,

On motion by Mr. Johnson,

Was laid on the table, and 1,000 copies ordered to be printed.

On motion by Mr. Seawright,

The petition of sundry citizens of the State of Indiana, asking the passage of a law exempting from taxation the provisions necessary for family consumption, &c., was taken from the table, and referred to the committee on Ways and Means.

On motion by Mr. Johnson,

*Resolved*, That the Clerks and Doorkeeper be required to report to this House, as early as practicable, the names and number of assistants that they have each appointed.

Mr. Orr gave notice that he would on to-morrow, or some subsequent day, offer a resolution to add an additional committee to the standing committees of the House, "on County and Township business."

Mr. Donald gave notice that he would, on to-morrow or some subsequent day, move that Mr. Graham be added to the committee on Public Expenditures.

Mr. Graham gave notice that he would, on to-morrow or some subsequent day, move that Mr. Richardson be added to the committee on Swamp lands.

Mr. McClure gave notice that on to-morrow or some subsequent day, he would move to add Mr. Ryon to the committee on Education.

Mr. Ferris gave notice that he would, on to-morrow or some subsequent day, move that Mr. Hooper be added to the committee on Education.

Mr. Goodman gave notice that he would on to-morrow, or some subsequent day, move to add Mr. Scott to the committee on Claims.

Mr. Lines gave notice that he would on to-morrow, or some subsequent day, move that Mr. Laird be added to the committee on Elections.

Mr. Spencer gave notice that he would on to-morrow, or some subsequent day, move to add Mr. Work to the committee on Swamp Lands.

Mr. Richardson gave notice that he would on to-morrow, or some subsequent day, move that Mr. Donald be added to the committee on Banks.

Mr. Lowe gave notice that he would on to-morrow, or some subsequent day, move to add Mr. Spencer to the committee on Swamp Lands.

Mr. Gootee gave notice that he would on to-morrow, or some subsequent day, move that Mr. Sutton be added to the committee on Swamp Lands.

On motion by Mr. Milroy,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the school law, passed at the last session, as to authorize township trustees to exempt from taxation for building school houses in their respective township, such persons as reside convenient to proper school houses, for the building of which have been taxed, or have voluntarily contributed in work or money.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House to invite the Judges of the Supreme Court to be present at 2 o'clock, this day, at the inauguration of the Governor and Lieutenant Governor.

On motion by Mr. Walker of Laporte,

*Resolved*, That not more than two shall be added to any standing committee of this House.

Mr. Buell offered the following resolution.

*Resolved*, That the committee on the Judiciary be instructed to report an amendment to Sec. 169 of the act entitled "An act providing for the settlement of decedents' estates," striking out the concluding clause of the section, to-wit: "which shall be all the final record of the proceedings in any estate of a decedent, necessary to be made."

On motion by Mr. Pratt,

The resolution was made one of inquiry.

And the resolution as amended was agreed to.

On motion by Mr. Walker of Laporte,

The House adjourned.

2 o'clock, P. M.

House met.

On motion,

Leave was granted, and Mr. Jones of Ripley, made the following report:

MR. SPEAKER:

The committee appointed by the House to act in conjunction with a similar committee of the Senate to wait on the Judges of the Supreme Court and request them to attend in the hall of the House of Representatives to-day, at 2 o'clock, have performed that duty, and receive for answer that they will attend in compliance with said request.

On motion by Mr. Gentry,

*Resolved*, That the Senate be invited to attend *instantly* in the hall of the House, for the purpose of being present when the Governor and Lieutenant Governor elect take their oath of office.

The Senate then came in and took their seats on the right of the Speaker's chair, when the oath of office was administered to the

Governor and Lieutenant Governor by the Hon. Samuel E. Perkins, one of the Judges of the Supreme Court, in the presence of both houses of the General Assembly: whereupon, His Excellency the Governor, delivered the following

## ADDRESS:

*Senators, Representatives and Fellow Citizens:*

Having taken the oath of office, as required by the law—in the presence of both Houses of the General Assembly in convention, permit me to return to you, and through you, to our fellow-citizens, my grateful acknowledgments for this the second manifestation of their confidence and approval, in electing me to the chief executive office of the State.

The approbation, confidence, and respect of my fellow-citizens are, above all things, the most grateful to my heart. I have not language at command to express the gratitude I feel towards the people of my adopted State, who have again called me to preside over their interests, under peculiar circumstances, and by so decided an expression of their will.

In my estimation there is no other position equal to the one they have assigned me. The constitution, which is the supreme law in this State at least, in spirit, if not by its letter, prohibits me from seeking or accepting any other office during the term for which I have been elected. This provision was, no doubt, intended to extend to National as well as State officers; and whatever question may exist as to the power of a State to limit the qualifications of the officers of the General Government, there can be none as to the right of the people of a State to limit their own action in making appointments to such offices. I therefore desire to say in this public manner, and in the presence of their representatives, that during the period prescribed for the existence of my present office, I shall devote my whole time, and exert my utmost abilities to promote the happiness, peace, and prosperity of the people of the State.

The numerous subjects alluded to in my annual message to the General Assembly, a few days since, will be a sufficient apology for making this address brief.

The tendency of the times is towards the extension of the powers of the General Government, at the expense of those of the State governments. This was foreseen by the fathers of the revolution; and they endeavored to counteract it; but there can be no doubt that the evil is increasing.

This tendency of the General Government to absorb the rights of the States, was one of the consequences of our system from which Mr. JEFFERSON apprehended the greatest evils. Fifty-four

years ago he wrote to his friend John Taylor, of Caroline, as follows:

"It is a singular phenomenon that while our State governments are the *very best in the world*, without exception or comparison, our General Government has, in the rapid course of nine or ten years, become more arbitrary, and has swallowed more of the public liberty than even that of England."

If this was true at that time, when the revenue and expenditures of the General Government were but a few millions, when the number of officers and emoluments were small in comparison, what would have been the language of that great statesman, if he were now living, and called upon to give his opinion of the powers and influence of the national government?

The great fault is, that we have not enough of State pride and State ambition; and that we do not fully appreciate our position as members of a confederated union of sovereign States, rather than as the people of a single consolidated nation. We should look more to the immediate government at home for the advantages to be derived from our social compact, and less to the powers of the General Government, which were delegated chiefly to preserve unity in our intercourse with foreign nations.

We should endeavor by all the legitimate means in our power, to foster such a course of State policy as will give full employment to the talents and energies of the people. There are numerous objects worthy of their attention here, at home, and an ample field in which those, who are inspired with a laudable ambition to become public benefactors, may give full scope to their exertions.

We have been, for many years, justly chargeable with having importuned the General Government, by joint resolutions, for all kinds of relief, and for donations in every imaginable case, until we have almost taught our people to look to Washington, instead of to their own capital, for the benefits of legislation. One of the consequences of this practice is, that many of our citizens have been led to give greater attention to the appointments of office, to the operations and management of the General Government, than to those of our own State administration.

Is it not a striking fact, illustrating this tendency to consolidation, that in our own prosperous State, during the past year, when our fellow-citizens were called upon to select the officers to manage the executive, judicial, and legislative departments, to make and administer the laws that are to control and regulate their personal rights, their property and their character while living, and those of their widows, children and heirs, when they shall be no more! Is it not, I say, a striking exemplification of the absorbing tendencies of the powers of the National Government, that fifteen thousand more of our fellow citizens turned out to take part in the election of a President of the United States, than did at their State election, involving



such important interests? In some of our sister States the difference was even much greater.

Our duty is plain. Our interest is self-evident. They are to keep the General Government within the clearly expressed powers of the constitution; and to claim for the State administration all the powers not surrendered to the national government, and that belong to an independent and free people. The great difference in the amount of compensation allowed to the National and State officers, is, no doubt, one cause of the greater interest being taken in the election of the former. It would, certainly, be desirable if the pay of these officers could be more equalized.

There is one subject, however, upon which we might with great propriety, give an expression to the members of congress by joint resolution. I allude to the entire abolition of the *franking privilege*. This is a measure which is imperatively demanded. The privilege is liable to great abuses, and it injuriously affects the rights of the people of the States, without affording them any adequate advantage in return.

We frequently suffer ourselves to be led into the advocacy of new departments in the general government, without thinking that the establishment of every new office at Washington, is the absorption of so much of State rights.

The evils that follow from the concentration of the attention of the people to national offices are extravagance in expenditures, an intense excitement pending the election of national officers, and a neglect of the people and their representatives to look to their own State policy, and to build up such institutions at home as are calculated to benefit them in all the relations of life, and to make them a happy and prosperous community.

It should ever be regarded as a settled axiom with our people, that they have no intelligence and no funds at Washington that do not come from the people of the States; that if we wish information or means to carry on public improvements, or to make statistical tables of our products or resources, they should be provided under our own supervision and by our own officers. For assuredly, the declaration made by Mr. JEFFERSON half a century ago, that economy is inseparably connected with the principle that the *ballot-box* and the *taxing power* should be kept together, is a truth, and the farther they are separated, the greater danger there will be that necessary expenditures will degenerate into extravagance.

We have evidence of this in the fact that committees are sitting in the vacation of Congress, ferreting out charges involving sums of money more than equal to our ordinary State expenses for five years, said to have been fraudulently obtained from the government. The President, in his annual message, has been constrained to direct the attention of Congress to the propriety of providing an additional criminal code to prevent official bribery and corruption.

We find in all the States evidences of Mr. JEFFERSON's views. It

is exhibited every year in our annual elections, by the interest the people take in the small expenditures at home, even down to the payment of the *wood-sawyers* at the capital, while the expenditures of the General Government of thousands of dollars, where only cents are expended in the States, scarcely arouses the attention or disturbs the equanimity of the press.

It is sound policy to pay to the officers of the State, who have to administer the laws and to decide questions involving the rights of the citizens in all the relations of life, sufficient compensation to insure the services of men of integrity, and the proper qualifications.

It is certain that the salaries allowed to many of our county officers, such as clerks, treasurers, and others, are not sufficient. The persons who hold these offices in many of the counties must abandon them, or make their living in some other way. Holding these views it would meet my hearty approval if the salaries of such officers were made sufficient at least for their support.

The well known opinions of the people of Indiana on all the national topics of the day,—the promptness and unanimity with which they have expressed their views on every question that has arisen touching the harmony of the confederacy, their aversion to the agitation of sectional questions, their devotion to the Union, as expressed on all appropriate occasions, as well as our geographical position among the sisterhood of States—all these call upon us, with a commanding voice to take a decided stand upon the questions that necessarily arise in a confederacy like ours,\* as to the powers of the General and State Governments, and to throw the whole weight of our influence in favor of preserving that simplicity of structure in our governmental fabric which existed in the design of its original founders.

In the wide expanse of our territory, now stretching from ocean to ocean, the swelling tide of emigration will soon add new States to our Union. In the midst of this rapid movement, let Indiana take her stand upon the great principles of *State Legislation*, *State pride* and *State ambition*. Let our sentiments be, that the hope of perpetuating our institutions, rests upon the adoption of that system of legislation that throws the several States of this Union more and more upon their own resources, and confines the action of the General Government within the acknowledged powers granted by the Constitution, reserving all other powers to the States and people for exercise.

We have a great work before us. We have commenced a new system under an admirable constitution, and we can most profitably employ our whole time in developing our own resources, and improving our own institutions.

The common school system must be matured, and so arranged that it can be sustained by the people, and made capable of furnishing the means of instruction to every child in each district of the State. The burdens of the people by taxation must be lightened by the grad-

ual reduction of the State debt. We must adopt an efficient system of agricultural and mechanical associations, so well calculated to make labor attractive, and to develop the energies of the people in agriculture, commerce, and manufactures. We must lay bare the iron, coal, marble, rock, soil, and salt of the State, by the investigations of skilful geologists, and thus draw additional capital and labor within our borders. All these objects demand our attention and will well repay us for our exertions.

Our march is rapid. We have now in Indiana more than 800 miles of railroads in operation, 1,200 miles of plank roads, and 550 miles of navigable canal. No State in the Union has so many miles of improvements of these descriptions, in proportion to its population.

If we shall be prudent, economical in our expenditures, and shall direct our energies to the great work of developing our real sources of wealth, we may make Indiana what she should be, the first State in the Union.

I enter upon the duties which my fellow-citizens have assigned me, with doubts as to my ability to accomplish the work. Were it not for your counsels, that of the other departments of the government, and the aid and support of the people, I should shrink from the task before me.

Looking devoutly to that Being who alone is able to impart wisdom and knowledge, and to the indulgence and partiality of my fellow-citizens, I assume again the chief executive office of the State, and renew my determination to devote myself exclusively to the welfare and prosperity of Indiana.

The Senate then retired to their chamber.

The Speaker laid before the House the following communication from the Doorkeeper of the House of Representatives:

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

In compliance with a resolution of the House, instructing the Doorkeeper to report to the House the names and number of assistants appointed by him, I beg leave to report the following:

The whole number is two. The names are Addison Elkins and Charles Warner.

It will be impossible for me to discharge my duties without more assistance.

Very respectfully,

J. J. BARRITT, *Doorkeeper.*

Which was laid on the table.

The Speaker laid before the House the following communication from the Secretary of State, with the accompanying document, in answer to a resolution of the House:

SECRETARY OF STATE'S OFFICE, }  
 INDIANAPOLIS, Jan. 10, 1853. }

HON. OLIVER B. TORBET,

*Speaker of the House of Representatives:*

Please to lay the enclosed communication before the House over which you preside.

Respectfully, yours &c.,

CHARLES H. TEST,

*Secretary of State.*

SECRETARY OF STATE'S OFFICE, }  
 INDIANAPOLIS, Jan. 10, 1853. }

*To the Honorable, the House of Representatives:*

The undersigned has been required to communicate to the House of Representatives whether an act entitled "An act to establish courts of common pleas in Indiana," adopted by the last General Assembly, has been published and circulated in the several counties of this State; and what number of copies have been circulated in the different counties.

In answer thereto, the undersigned would state that the last General Assembly passed a joint resolution, approved June 9th, 1852, (see volume special acts, page 178) requiring the Secretary of State to have published in pamphlet form among others, the act to establish courts of common pleas, "and forthwith forward a copy thereof to each of the clerks of the circuit courts of this State." The undersigned performed the duty required by the joint resolution, and transmitted by mail one copy of the act referred to above, to each clerk's office of the State. There was no other publication of the act than the one here stated, and of course it is for your Honorable body and the courts of the State to determine whether the publication of the act was made in such manner as to bring it in force under the provisions of the constitution.

Respectfully submitted,

CHARLES H. TEST,

*Secretary of State.*

Which,

On motion by Mr. Pratt,

Was referred to the Judiciary committee.

The Speaker laid before the House the following communication from the Principal Clerk of the House of Representatives:

HALL OF THE HOUSE, }  
 JANUARY 10, 1852. }

HON. O. B. TORBET,

*Speaker of House of Representatives:*

In accordance with the resolution of the House requesting the

clerk to state the number of assistants employed, would state, that under the resolution of the House passed 7th inst. he employed one assistant for himself and one for the assistant, but owing to increasing business, found that it would be utterly impossible to carry on the business devolving upon this department with that limited number, and in view of that emergency has employed one additional assistant for himself and assistant clerk, which is less by three than the number usually employed. The names of the present assistants are Joseph A. Sims, Strange S. Dunn my immediate assistant, and John Somer and J. Henry Gibbons has been employed to assist Mr. Crowe. All of which is respectfully submitted.

By your ob't. servt,

W. R. BOWES,

*Principal Clerk of House of Representatives.*

Which,

On motion,

Was laid on the table.

Mr. Chapin offered the following resolution:

*Resolved*, That the principal clerk be and is hereby authorized to employ a sufficient number of clerks necessary to transact the business of this house.

The question then being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Pratt and Johnson.

*Those who voted in the affirmative were,*

Messrs. Bridges, Buell, Bundy, Catlin, Chapin, Clark, Donelson, Druly, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Hicks, Howell, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Parker, Read, Struble, Sutton, Tanner, Turpie, Underwood, Walker, and Mr. Speaker—31.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Burnett, Dodd, Donald, Dyer, Ferris, Furguson, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Harris, Hartley, Hendricks, Henry, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, Milroy, Orr, Peckenpaugh, Pratt, Price, Richardson, Rockefeller, Ryon, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Taber, Thomas, Walker, of Rush, Wilson, Work, and Yount—62.

So the resolution was not adopted.

Mr. Thomas offered the following resolution:

*Resolved*, That the doorkeeper of this House be allowed to employ two additional assistants to the number already employed.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Graham and Farnsley.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Gootee, Hammond, Handy, Hendricks, Henry, Hicks, Howell, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Manville, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Seawright, Shoemaker, Shuman, Spencer, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work and Yount—61.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Donald, Ferris, Ferguson, Goodman, Graham, Harris, Hartley, Hooper, Hunt, Jennings, Johnson, Jones of Ripley, Laird, Lines, Lowe, Martin, Maxfield, Peckenpaugh, Pratt, Richardson, Rockafellar, Scott, Service, Shelby, Simpson, Stackhouse, Steele, Taber, and Walker of Rush—31.

So the resolution was adopted.

Mr. Walker of Laporte offered the following resolution:

*Resolved*, That the Principal Clerk may employ five assistants, provided so many are found necessary for the discharge of his duties.

The question being on the adoption of said resolution.

The ayes and noes were demanded by Messrs. Pratt and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Emery, Farnsley, Fleming, Gentry, Handy, Hendricks, Henry, Hicks, Howell, Jones of Boone, Lasselle, Lewis, Manville, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McMee, McKinney, Milroy, Moss, Orr, Parker, Price, Shoemaker, Stackhouse, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Walker of Laporte, Wilson, and Mr. Speaker.—50.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Donald, Durham, Dyer, Ferris, Ferguson, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Harris, Hartley, Hooper, Hunt, Jennings, Johnson, Jones of Jen-

nings, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Martin, McClure, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shelby, Shuman, Simpson, Spencer, Steele, Stevens, Taber, Walker of Rush, Work and Yount—46.

So the resolution was adopted.

Mr. Buell offered the following resolution:

*Resolved*, That the Clerk of the House be directed to request the publishers of the Daily Indiana State Sentinel, the Daily Indiana Journal, and the Volksblatt, to furnish, during the present session of the General Assembly, three copies of their papers to each member at their ordinary publishing rates.

Mr. Johnson moved to lay the resolution on the table.

The question being put,

The ayes and noes were demanded by Messrs. Johnson and Pratt.

*Those who voted in the affirmative were,*

Messrs. Brecount, Burnett, Donald, Dyer, Ferris, Goodman, Gootie, Graham, Handy, Harris, Hartley, Hicks, Hooper, Hunt, Jennings, Johnson, Laird, Lowe, Manville, Martin, McClure, McKee, Milroy, Orr, Parker, Peckenpaugh, Pratt, Rockafellar, Ryon, Scott, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Tanner, Turpie and Underwood—39.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Furguson, Fleming, Freeland, Gentry, Greene, Hammond, Hendricks, Henry, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Maxfield, McCormick, McDonald of Lake, McDounall of Sullivan, McKinney, Moss, Price, Read, Richardson, Seawright, Shelby, Spencer, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—57.

So the resolution was not laid on the table.

Mr. Johnson moved to amend the resolution by striking out the word "three," and inserting in lieu thereof the word "one."

Which motion did not prevail.

Mr. Laird moved to amend the resolution by striking out from the resolving clause, and inserting the following:

"That each member taking papers, the amount so expended by him be made a specific tax upon the people of his own county, to be certified by the Auditor of State, to the county auditor of each county, the member from which subscribes for papers."

The question being on the adoption of the amendment;

The ayes and noes were demanded by two members.

*Those who voted in the affirmative were,*

Messrs. Ballard, Burnett, Dyer, Ferris, Freeland, Goodman, Graham, Harris, Hartley, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lines, Martin, McClure, Peckenpough, Pratt, Rockafellar, Ryon, Scott, Service, Shelby, Shoemaker, Shuman, Steele, Taber, Underwood and Yount—32.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsly, Ferguson, Fleming, Gentry, Gootee, Greene, Hammond, Hendricks, Henry, Hicks, Howell, Jones of Boone, Lasselle, Lemon, Lewis, Lowe, Manville, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Seawright, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson and Work—61.

So the amendment was not adopted.

Mr. McDonald of Lake moved to amend the resolution by adding, "with stamps ready for mailing."

Which motion prevailed.

The question then recurring on the adoption of the resolution as amended.

And the question being put;

The ayes and noes were demanded by Messrs. Laird and Druley.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brothwell, Burnett, Clark, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Hammond, Hendricks, Henry, Hicks, Howell, Lasselle, Lemmon, Lewis, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Seawright, Spencer, Stockwell, Struble, Sutton, Thomas, Turpie, Walker of Laporte, Wilson, Work and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dyer, Ferris, Freeland, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hooper, Hunt,



Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Manville, Martin, McClure, McKee, Orr, Peckenpaugh, Pratt, Rockafellar, Ryon, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Taber, Tanner, Underwood, Walker of Rush and Yount—52.

So the resolution was not adopted.

The Speaker laid before the House the following communication from the State Printer, in obedience to a resolution of the House:

INDIANAPOLIS, January 10, 1853.

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—I have placed in the hands of the doorkeeper of the House, one hundred copies of the second volume of the Revised Statutes of 1852, in obedience to a resolution of Saturday last. It will be observed that the volumes are incomplete and unfinished; but they contain all the laws of last session, not heretofore published in the other volumes.

Very Respectfully,

J. P. CHAPMAN,  
*State Printer.*

BY ELLIS & SPANN.

Which was laid on the table.

On motion by Mr. Ryon.

The House adjourned.

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TUESDAY MORNING, 9 o'clock, }  
January 11th, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &c., PRESENTED.

By Mr. Steele:

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the sale of intoxicating liquors,  
Which,

On motion,

Was referred to the committee on temperance.

By Mr. Handy:

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of intoxicating liquors,  
Which,

On motion,

Was referred to the committee on temperance.

By Mr. Pratt :

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the traffic in alcoholic spirits as a beverage ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Donelson :

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of intoxicating liquors, to be used as a beverage ;

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Jones of Jennings :

A petition from sundry citizens of the State of Indiana, praying the passage of a law allowing Nancy Doherty to inherit and dispose of that portion of her son's real estate which may have fallen to the State of Indiana.

Which,

On motion,

Was referred to the committee on the Judiciary.

On motion by Mr. Richardson,

*Resolved*, That the Doorkeeper be required to dispense with the use of coal in this House, and substitute wood in lieu thereof.

Mr. Dufour offering the following :

*WHEREAS*, The Speaker of the House, having appointed the regular standing committees, in accordance with the rules of order adopted by the House, and whereas, there is a disposition on the part of members to add to the number of persons on those committees ;

*Therefore, resolved*, That it is wholly inexpedient and unnecessary to make any change or additions to the present list of standing committees during the present session, unless it be to fill vacancies.

Which was agreed to.

On motion by Mr. Thomas,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of granting to all persons who may settle upon and cultivate five acres of said land, the right of pre-empting the same, and report by bill or otherwise.

On motion by Mr. Hicks,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to the transfer of deeds, as to have all transfers of real estate run from January to January, instead of from June to June of each year. And report by bill or otherwise.

On motion by Mr. Graham:

*Resolved*, That the committee of Ways and Means be requested to inquire into the propriety of so changing our assessment law, that property shall be assessed according to the amount on hand on the first day of March, in place of the first day of January as the law now is.

Mr. Able offered the following resolution:

*Resolved*, That the Clerk of the House be authorized to contract with the Editors of the State Sentinel, State Journal and Volksblatt, for three copies each of their daily papers, together with the same amount of stamps for the use of the members of this House, to be furnished at their usual publishing prices.

Mr. Druley moved to lay the resolution on the table.

Which motion did not prevail.

Mr. Dufour moved to amend the resolution by striking out from the resolving clause, and inserting the following:

That the Principal Clerk be authorized and directed to contract for the following newspapers, for the use of the members of this House and their constituents, provided the same can be procured on the following terms, viz: three copies to each member of the Daily State Sentinel, at three cents each; three copies to each member of the Daily State Journal, at three cents each; and three copies to each member of the Weekly Volksblatt, at three cents each. A wrapper and postage stamps, to accompany two copies of each paper, without any additional charge to the State, and the other one copy of each to be laid upon the desks of members.

And the question being put,

The ayes and noes were demanded by Messrs McDonald of Lake and Druley.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Hammond, Henry, Howell, Laselle, Lemmon, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Price, Read, Richardson, Stephens, Struble, Sutton, Thomas, Turpie, Walker of Laporte, Work and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Burnett, Clark, Donald, Donelson, Druley, Dyer, Ferris, Freeland, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lewis, Lines, Lowe, Manville, Martin, McClure, McKinney, Orr, Peckenpough, Pratt, Rockafellar, Ryon, Scott, Seawright,

Service, Sehlby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stockwell, Taber, Tanner, Underwood, Walker of Rush, Wilson and Yount—56.

So the resolution was not adopted.

On motion by Mr. Druley,

*Resolved*, That the Senate be invited to attend in the Hall of the House, *instantly*, to proceed to the election of U. S. Senator.

On motion by Mr. Donald,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending an act entitled "An act providing for the settlement of decedents' estates in Indiana," by striking out the words, "and bearing interest from date" from section 50 of said act.

Mr. Walker of Laporte, offered the following resolution:

*Resolved*, That the Clerk order the printing of five thousand copies of the Governor's Inaugural address in the English, and five thousand in the German language, and that the same be distributed among the members of this House.

On motion by Mr. Orr,

The resolution was amended by striking out "five," and inserting "two."

The question then recurring on the adoption of the resolution as amended.

It was disagreed to.

Mr. Milroy offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to report a bill providing for an enumeration of all the white male inhabitants of the State over the age of twenty-one years, in compliance with the requisition of the 4th section of the 4th article of the Constitution of the State.

When,

On motion by Mr. Pratt,

Said resolution was laid on the table.

On motion by Mr. Farnsley,

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of making deeds of transfer, valid, from the date of their record.

Mr. Seawright offered the following resolution:

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of allowing county surveyors to administer oaths, and take the acknowledgment of deeds in certain cases, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Underwood,

*Resolved*, That the committee on education be instructed to inquire into the expediency of amending the law in relation to common schools, so that each school district shall have the power to elect one

trustee, whose duty it shall be to take and report the number of children in said district, and also to employ teachers, and report by bill or otherwise.

Mr. McDonnall of Sullivan offered the following resolution:

*Resolved*, That the clerk of this House be requested to see the editors of the State Sentinel and State Journal, and make arrangements with them for two numbers of each of their daily papers, for the use of the members of this House.

Which was disagreed to.

Mr. Bundy offered the following resolution:

*Resolved*, That the clerk of the house be directed to request the publisher of the daily State Sentinel to furnish during the present session of the General Assembly, four copies of their daily paper at their usual rates of publishing, all of said papers to be enveloped, and placed every day on each members' desk at the expense of the State: and that the clerk be directed to contract with the Post Office Department for free stamps at the expense of the State, to enable each member to distribute said papers to his constituents free.

Mr. Manville moved to strike out so much of said resolution as refers to "stamps."

Which motion did not prevail.

Mr. Work moved to amend the resolution by adding the "Volksblatt."

Which was agreed to.

The question then recurring on the adoption of the resolution as amended,

And the question being put:

The ayes and noes were demanded by two members.

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Buell, Bundy, Chapin, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Hammond, Henry, Hicks, Howell, Lasselle, Manville, Maxfield, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Price, Read, Spencer, Sutton, Thomas, Underwood, Walker of Laporte, Work and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dyer, Ferris, Freeland, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Martin, McCormick, McClure McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse,

Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Walker of Rush, Wilson, and Yount—66.

So the resolution was not adopted.

The Senate came into the hall of the House, when both Houses proceeded, in joint convention, by a *viva voce* vote, to the election of a United States Senator for the State of Indiana, to fill the vacancy occasioned by the death of the Hon. James Whitcomb.

*Those who voted for John Pettit were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Roberts, Shellenberger, Shields, Shook, Slater, Spann, and Sullivan, of the Senate; and

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnell of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker, of the House of Representatives—101.

*Those who voted for Samuel W. Parker were,*

Messrs. Butler, Combs, Edwards, Griggs, Harris, Helm, Hendry, Meeker, Odell, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow, of the Senate; and

Messrs. Ballard, Burnett, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Greene, Hamrick, Harris, Hendricks, Hooper, Hunt, Jennings, Johnson, Laird, Lines, Martin, Orr, Peckenpaugh, Pratt, Ryon, Scott, Service, Shelby, Shuman, Steele, Stockwell, Taber, Walker of Rush, and Yount, of the House of Representatives—47.

Mr. Graham voted for John W. Davis.

John Pettit having received a majority of all the votes given, was declared, by the president of the convention, duly elected United States Senator from the State of Indiana, to serve as such until the 4th day of March, 1855.

The president then adjourned the convention, and the Senate retired to their chamber.

Mr. Able offered the following resolution:

*Resolved*, That the principal clerk of the House be authorized to contract with the publishers of the Sentinel, Journal and Locomotive, for four copies each of their weekly papers, done up with wrappers and stamps, and two copies of the Volksblatt, weekly, done up in the same manner, and one copy each of the Daily Sentinel and Journal without wrappers and stamps: *Provided, however*, they be furnished on the desks of the members, at their publishing prices to their subscribers.

Which,

On motion by Mr. Maxfield,

Was laid on the table.

Mr. Maxfield offered the following resolution:

*Resolved*, That two thousand copies of the Governor's Inaugural Address be printed in the English language, and one thousand in the German language, for the use of the members of this House.

Mr. Gentry moved to amend the resolution, by striking out "two thousand," in English, and inserting in lieu hereof "one thousand."

Which motion did not prevail.

The question then recurring on the adoption of the resolution,

It was agreed to.

The Speaker laid before the House the following communication from the Branch of the State Bank at Indianapolis, with the accompanying report:

BRANCH BANK, }  
INDIANAPOLIS, January 8th, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

DEAR SIR:—Please lay before the House over which you preside, the accompanying report, exhibiting the state of this Bank on the 20th November last.

Respectfully yours,

TH. H. SHARPE, *Cashier*.

Which,

On motion,

Was referred to the committee on Banks.

On motion by Mr. Chapin,

The vote on the imperative resolution adopted, requesting the committee on Banks to report a bill repealing the act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, was reconsidered, and the resolution made one of inquiry.

On motion by Mr. Dufour,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of transferring from the county clerks

to the county recorders, the granting of marriage license and the keeping of the records of marriages, and report by bill or otherwise.

The Speaker announced the following as the

SELECT COMMITTEE ON TEMPERANCE.

Milroy, 8th district; Cooper, 1st district; Laird, 2d district; Dufour, 3d district; Walker of Rush, 4th district; Ferris, 5th district; Taber, 6th district; McKee, 7th district; Turpie, 9th district; Hammond, 10th district; Emery, 11th district.

Mr. Dufour asked to be excused from serving on said committee. When,

On motion,

The House refused to excuse him.

Mr. McKee offered the following resolution:

*Resolved*, That the clerk of the House be requested to contract with the editors of the State Sentinel and Journal for two copies of their daily, each, and one copy of the Volksblatt, to be done up in wrappers with stamps ready for mailing.

Which,

On motion by Mr. Seawright,

Was laid on the table.

Mr. Jones of Jennings offered the following resolution:

*Resolved*, That the Doorkeeper be authorized to contract with the publishers of the daily newspapers of this city, for one copy of a daily paper for each member during the session, and that each member inform the Doorkeeper what paper he prefers and that he contract accordingly.

Mr. Seawright moved to amend the resolution by striking out "one copy of a daily," and inserting in lieu thereof "four copies of the weekly."

Pending which,

On motion by Mr. Druly,

The resolution and amendment were laid on the table.

Mr. Taber offered the following resolution:

*Resolved*, That this House will not take the State Sentinel, the State Journal, the Volksblatt, nor any other paper for the use of this House at the expense of the State.

When,

On motion by Mr. Henry,

The resolution was laid on the table.

On motion by Mr. McDonald of Lake,

*Resolved*, That the clerk of the House inquire and report to this House, whether the table will hold all the resolutions as to taking papers laid thereon.



Mr. Work moved that the House adjourn.

Which motion did not prevail.

On motion by Mr. Read,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of abolishing the office of State Agent, in place of reporting a bill, as instructed by a resolution on that subject passed on Saturday last, and report as soon as practicable.

On motion by Mr. Lowe,

*Resolved*, That the committee on Education be requested to inquire into the propriety of so amending the law, approved June the 14th, 1852, providing for a general and uniform system of common schools, so as to dispense with the traveling duties of the State Superintendent, with leave to report by bill or otherwise.

On motion by Mr. Manville,

The House adjourned.

2 o'clock, P. M.

House met.

The Speaker laid before the House the following communication.

MADISON, *January 10, 1853.*

*To the Legislature of Indiana:*

RESPECTED BODY,—I petition to you, to change my name Morris to Thomas. I know nothing about what is necessary, or in what manner to proceed; I am perfectly ignorant with regard to anything of the procedure of such a petition; I only know that you have the power to grant such a petition; therefore, excuse, and by thus doing you will greatly oblige,  
J. L. MORRIS.

Which,

On motion,

Was referred to the Judiciary committee.

On motion by Mr. Underwood,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law for the collection of debts, so as to give justices of the peace jurisdiction of any amount not exceeding three hundred dollars; also, to make executions and *venditioni exponas* returnable within sixty days from the issuing of the same, and report by bill or otherwise.

On motion by Mr. Dunlavey,

*Resolved*, That the Judiciary committee be required to inquire into

the expediency of abolishing the grand jury system, and report by bill or otherwise.

On motion by Mr. Turpie,

*Resolved*, That the committee on Ways and Means be required to inquire into the expediency of exempting school lands not paid out, and merely holden by certificate of purchase from taxation, and report by bill or otherwise.

Mr. Henry offered the following resolution:

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of the State, are hereby directed to report a bill, amending the first section of an act, to regulate the toll of grist mills, approved May 31, 1852, so that there shall not be taken more than one-tenth part for grinding and bolting by water power.

Which was disagreed to.

On motion by Mr. Pratt,

*Resolved*, That the committee on elections be instructed to inquire into and report to this House whether Theodore C. Jennings, who contests the seat of Mr. Dyer in this House, ever, and when, filed his statement in the clerk's office of Owen county, verified by his affidavit, setting forth the grounds on which he claims to have been elected, and whether he ever caused a copy of such statement to be served upon said Dyer, and whether any proof has ever been taken in the premises; and also to inquire and report whether any other elector than the said contestant has ever taken such step.

According to previous notice, Mr. Orr offered the following resolution:

*Resolved*, That an additional committee be added to the standing committees of the House, on County and Township Business.

Which was agreed to.

Mr. Lowe offered the following resolution:

*Resolved*, That the committee on the Judiciary be required to take into consideration the propriety of an amendment to the exemption law, reducing the amount to one hundred and fifty dollars; and also, to inquire into the propriety of a repeal of the present law, abolishing distress for rent.

Which was agreed to.

Mr. Manville offered the following resolution:

*Resolved*, That the Doorkeeper be authorized to contract with the publishers of the papers in this city, for three copies for each member of this House, such paper or papers as they choose to select at the usual publishing rates.

When,

On motion by Mr. Walker of Laporte,

The resolution was referred to a select committee, consisting of Messrs. Walker of Laporte, Chapin and Graham.

By unanimous consent of the House,

Mr. Hicks obtained leave and introduced No. 2. "A bill con-

cerning choses in action, and the recovery thereof before justices of the peace."

Which was read a first time, and passed to a second reading.

Mr. McDonnall of Sullivan, offered the following resolution:

*Resolved*, That the committee on swamp lands be instructed to report an amendment to the act entitled "An act for the sale of the swamp lands," so that section 6 of said act, passed May 29th, 1852, shall read as follows, to-wit: "That said lots of land shall be struck off to the highest bidder," instead of not less than one dollar and a quarter per acre.

Which was disagreed to.

On motion by Mr. McDonald of Lake,  
The House adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
January 12th, 1853. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

#### PETITIONS, MEMORIALS, &C, PRESENTED.

By Mr. Work:

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Brown:

A petition from sundry citizens of Starke county, praying the passage of a law prohibiting the gathering of cranberries before they are ripe.

Which,

On motion,

Was referred to a select committee consisting of Messrs. Brown, Turpie, Thomas, Pratt and McCormick.

By Mr. Durham:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Dufour,

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on temperance.

Mr. Walker of Laporte, from a select committee obtained leave, and submitted the following report:

MR. SPEAKER:

The committee to whom was referred a resolution on the subject of newspapers, beg leave to recommend the adoption of the following resolution:

*Resolved*, That the Clerk be instructed to order at the rate contracted for by the Senate, three copies of the Daily Journal and Sentinel, and three copies of the Volksblatt, for each member, enveloped and stamped ready for distribution among his constituents.

Mr. Cooper moved to amend the resolution recommended by the committee, by striking out the words "three copies of the Daily State Journal and Sentinel," and inserting "one copy of the dailies, and three copies of the Weekly Journal, Weekly Sentinel, Volksblatt and Locomotive."

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. McDonald of Lake and Gootee.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Brown, Buell, Catlin, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Hamrick, Handy, Harris, Henry, Hicks, Hooper, Howell, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemon, Lewis, McKee, Milroy, Parker, Peckenpauagh, Price, Read, Richardson, Rockafellar, Ryon, Seawright, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stephens, Struble, Tanner, Turpie, Wilson and Work—53.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bundy, Burnett, Chapin, Clark, Donald, Dyer, Ferris, Ferguson, Graham, Hartley, Hendricks, Henton, Hunt, Johnson, Laird, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Orr, Pratt, Scott, Service, Shelby, Simpson, Stockwell, Sutton, Taber, Thomas, Underwood, Walker of Laporte, Walker of Rush, Yount and Mr. Speaker—43.

So the amendment was adopted.

Mr. Maxfield moved to lay the resolution on the table,  
Which was disagreed to.

Mr. Johnson moved to amend the resolution by striking out so much as refers to taking the weekly papers.

Which motion did not prevail.

The question then recurring on the adoption of the resolution as amended.

And the question being put,

The ayes and noes were demanded by two members.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Henry, Hooper, Howell, Jones of Jennings, Lasselle, Lemmon, Lewis, McCormick, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Price, Read, Richardson, Seawright, Spencer, Stackhouse, Steele, Stephens, Struble, Sutton, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Clark, Donald, Dyer, Ferris, Freeland, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hunt, Jennings, Johnson. Jones of Boone, Jones of Ripley, Laird, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McKinney, Orr, Peckenaugh, Pratt, Rockafellar, Ryon, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Stockwell, Taber, Tanner, Walker of Rush, and Yount—48.

So the resolution was adopted.

On motion by Mr. Gentry,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, instanter, to proceed to the election of Canal Trustee for the Wabash and Erie Canal.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Laird offered the following preamble and resolution:

WHEREAS, It is understood that responsible parties stand prepared to give security for the due execution of the public printing at the following prices, to-wit:—For composition of plain matter per 1000 ems, 30 cents; for composition of rule and figure, 60 cents per 1000 ems; for composition of rule, 45 cents per 1000 ems. Press work at 25 cents per token for 8 pages of the present size of State work, and 40 cents per token for broadsides;

Now WHEREAS, Inasmuch as the prices now paid for said work is fixed at—For composition of plain matter, 45 cents per 1000 ems; for composition rule and figure, 80 cents per 1000 ems; for composition of rule, 65 cents per 1000 ems. Press work, 45 cents per token of 8 pages, and for broadside, 80 cents per token; a saving to the State of a large amount of money would result from submitting such work to fair competition, as other work of the State is done; therefore,

*Resolved*, That a select committee of three be appointed whose duty it shall be, to report a bill letting out the public printing for the next four years to the lowest bidder, giving ample security for its proper and prompt execution.

Which was agreed to.

And Messrs. Laird, Buell and Manville were appointed said committee.

On motion by Mr. Gentry,

*Resolved*, That the House will, the Senate concurring, proceed to the election of two Bank Directors on the part of the State, on tomorrow at ten o'clock, A. M.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Ballard,

*Resolved*, That the committee on the Judiciary be instructed to examine the law relative to electing State Printer; and report the expediency of so amending said law, as to admit of the State printing being let to the lowest bidder.

On motion by Mr. Donald,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending an act entitled "An act to provide for the valuation and assessment of real and personal property," &c., approved June 21, 1852, as to enable the board doing county business in the several counties in this State, to consolidate any two or more townships in their respective counties into one, for the purpose of assessment only, when the townships lie contiguous to each other, and the number of voters in each of said townships does not exceed 300, and that but one assessor be elected by the voters of said township so consolidated, and report by bill or otherwise.

Leave being granted.

On motion by Mr. Pratt,

House bill No. 1, "A bill to create a Bank Department, and otherwise amend an act entitled 'An act to authorize and regulate the business of general banking,'" approved May 28th, 1852,

Was taken from the table and made the special order for Monday the 24th instant.

On motion by Mr. Stockwell,

*Resolved*, That the committee of Ways and Means be directed to inquire into the expediency of so amending the present assessment law taxing railroad companies, as to make the stock in said compa-

nies taxable to the owner thereof as other personal property is taxed.

Mr. Graham offered the following resolution:

*Resolved*, That it shall be the duty of any clerk that is authorized to be employed by this House, to assist any of the standing committees in discharge of their respective duties, when not actually engaged in the discharge of the duties of their respective committees.

Which was disagreed to.

Mr. Struble offered the following resolution:

*Resolved*, That it shall be the duty of each and every chairman, when presenting a bill to this House from their several committees, to explain in a brief manner the difference between the bill so presented and the present statute of the State on that subject.

Which was disagreed to.

On motion by Mr. Orr,

*Resolved*, That the committee on the Judiciary be instructed to inquire into and report to this House, if a seat in the General Assembly of this State be an office, and report to this House.

On motion by Mr. Dufour,

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of reporting an amendment to an act entitled "An act to authorize and regulate the business of general banking," approved May 28th, 1852, prohibiting the further issue of notes of a less denomination than *five dollars*, and report by bill or otherwise.

The Speaker laid before the House the following communication from the President of the Board of Trustees of the Indiana Hospital for the Insane, with the accompanying report of the Commissioners and Superintendent thereof.

INDIANAPOLIS, January 12, 1853.

HON. OLIVER B. TORBET,

*Speaker of the House of Representatives:*

SIR:—You will please lay before the House of Representatives the accompanying report of the Commissioners and Superintendent of the Indiana Hospital for the Insane.

Very respectfully yours,

JAMES BLAKE, *President.*

When,

Mr. Graham moved to lay the report on the table and print one thousand copies.

Mr. Underwood moved to amend by striking out "one thousand" and inserting "fifteen hundred."

Which motion did not prevail.

The question then recurring on Mr. Graham's motion,

It was agreed to.

On motion by Mr. Clark,

*Resolved*, That the committee on roads inquire into the expediency of amending the act providing for the opening and repairing of pub-

lic highways situate and being on county, township and district lines where two or more supervisors are concerned by joint labor, approved June 17th, 1852. The amendment to read thus:

All supervisors so concerned by joint labor to have authority to divide such roads to suit their best convenience.

The Senate came into the hall of the House, when both branches of the General Assembly proceeded in joint convention by a *viva voce* vote to elect a trustee of the Wabash and Erie canal, on behalf of the State, to fill the vacancy that will be occasioned by the expiration of the term of the present incumbent.

*Those who voted for Benjamin R. Edmonston were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorne, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shellenberger Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Wil-on of Jay, of the Senate and

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Duffour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDona-ld of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rocka-fellar, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stevens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker of the House of Representatives—123.

*Those who voted blank were,*

Messrs. Butler, Griggs, Harris, Helm, Hendry, Odell, Simpson, and Witherow, of the Senate, and

Messrs. Dyer, Goodman, Greene, Hendricks, Hooper, Hunt, Jennings, Ryon, and Taber, of the House of Representatives—17.

*Those who voted for John Williams were,*

Messrs. Ballard, Ferris, Harris, and Shuman, of the House of Representatives—4.



*Those who voted for Chauncy Carter were,*

Messrs. Johnson, Pratt, Scott, and Walker of Rush, of the House of Representatives—4.

Benjamin R. Edmonston, having received a majority of all the votes given, was declared by the president of the convention, duly elected trustee of the Wabash and Erie canal on the part of the State, to serve as such for the term of three years, from and after the 17th day of January, 1854.

On motion by Mr. Wilson:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether there is not a conflict between the act of Congress and the act of the General Assembly of the State of Indiana, on the subject of casting the electoral vote of the State for President and Vice President; and if so, that they report a bill, amending the State law, so that it may not conflict with the act of Congress.

On motion by Mr. Bundy:

*Resolved*, That the Doorkeeper be instructed to distribute at his earliest convenience, among the members, those messages, reports, bills and resolutions, which may be or have been printed by order of this House.

On motion by Mr. Hicks:

*Resolved*, That the committee on Ways and Means, be instructed to report a bill so amending the present assessment law, as to allow each individual liable to taxation to deduct the amount of his indebtedness on the 1st day of January of each year, from the amount of his, her, or their assessment.

Mr. Hamrick moved to reconsider the vote taken, on printing one thousand copies of the report of the Commissioners and Superintendent of the Indiana Asylum for the insane.

Which was agreed to.

The question then being on printing one thousand copies of said report

On motion by Mr. Hamrick,

Five hundred additional copies were added for the use of the asylum.

And as amended, the resolution was adopted.

The Speaker laid before the House the following communication from his Excellency the Governor, with the accompanying report from the Warden, Physician, Chaplain and Visiter to the State Prison.

EXECUTIVE DEPARTMENT,  
January 12, 1853. }

Hon. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR,—You will please lay before the House of Representatives, the accompanying reports from the Warden, Physician, Chaplain and Visiter to the State Prison.

Very respectfully, yours,

JOSEPH A. WRIGHT.

Which,

On motion of Mr. Seawright,

Was laid on the table, and one thousand copies ordered to be printed.

By unanimous consent of the House,

Mr. Buell obtained leave and introduced,

No. 3. A bill to repeal an act fixing the time of holding circuit courts in the county of Marion, and for other purposes, approved February the 16th, 1848; and an act relative to the practice of the law in Marion county, approved February 13th, 1851.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

House bill on second reading.

No. 2. A bill concerning choses in action, and the recovery thereof before justices of the peace.

Was read a second time,

When,

On motion by Mr. Pratt,

The bill was referred to the judiciary committee.

Mr. Graham moved that the House resolve itself into committee of the whole on the Governor's message.

Which was disagreed to.

On motion by Mr. Maxfield,

The House adjourned.

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2 o'clock, P. M.

House met.

On motion by Mr. Richardson,

*Resolved*, That the members of the Senate be invited to attend in

the hall of the House of Representatives instantler for the purpose of electing a State Librarian.

Ordered, that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House to go into the election of two bank directors on the part of the State to morrow morning at 10 o'clock.

On motion by Mr. Dodd,

*Resolved*, That the committee on benevolent and scientific institutions be instructed to inquire into the expediency of introducing a bill providing for the maintenance of insane persons, at the expense of the State who have been pronounced incurable.

The Speaker laid before the House the following communication from James M. Ray, Esq., with the accompanying reports of the Branches of the State Bank at Lawrenceburgh, Richmond, Vincennes, Lafayette and Fort Wayne.

OFFICE OF STATE BANK OF INDIANA, }  
INDIANAPOLIS, Jan. 11, 1853. }

Hon. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—Please lay before the House of Representatives the accompanying reports of the Branches of this Bank at Lawrenceburgh, Richmond, Vincennes, Lafayette, and Fort Wayne.

Yours, respectfully,

JAMES M. RAY, *Cashier*.

Which,

On motion,

Were referred to the committee on Banks.

The Senate came into the hall of the House, when both branches of the Legislature proceeded, in joint convention, by a *viva voce* vote, to elect a State Librarian, to fill the vacancy that will occur by the expiration of the term of service of Nathaniel Bolton, Esq., the present incumbent.

*Those who voted for Gordon Tanner were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts,

Shellenbarger, Shields, Shook, Slater, Spann, Sullivan, Williams, Wilson of Harrison, and Wilson of Jay, of the Senate; and

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavy, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Graham, Hammond, Handy, Harris, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rockafellar, Ryon, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stevens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker, of Rush, Wilson, Work, Yount, and Mr. Speaker of the House of Representatives—122.

*Those who voted for C. W. Ruter were,*

Messrs. Griggs, Hendry, Odell, Vandeventer, and Witherow of the Senate, and,

Messrs. Ferris, Freeland, Goodman, Greene, Hamrick, Hendricks, Hooper, Hunt, Jennings, and Shuman, of the House of Representatives—14.

*Those who voted for John B. Dillon were,*

Messrs. Johnson, Laird, Martin, Pratt, Scott, Service, and Shelby, of the House of Representatives—7.

Gordon Tanner, having received a majority of all the votes given, was declared by the president of the convention duly elected State Librarian for the term of three years from and after the expiration of the term of the present incumbent.

The Senate then retired to their chamber.

Mr. Laird offered the following preamble and resolution.

WHEREAS, since the adoption of a resolution of this House to go into an election for State Printer on to-morrow, a resolution has been adopted by this house, to appoint a select committee of three to report a bill submitting the State printing to a fair competition as other work for the State is done. And

WHEREAS, it will be impossible for said committee to investigate and report upon the important matter submitted to them before the time now fixed upon by said resolution for an election of State Printer,

*Therefore be it resolved,* That the election of State printer be postponed until Saturday week at 10 o'clock, A. M.

Which,

On motion by Mr. Buel,

Was laid on the table.

On motion by Mr. Gentry,

*Resolved*, That the committee on the Judiciary be instructed to inquire into and report upon the proper construction to be given to sec. 21, art. 4, of the Constitution of this State, concerning the revision and amendment of acts, whether both the old and the act or the revised act alone should be set out.

Mr. Buell moved to reconsider the vote taken this morning on the adoption of an imperative resolution on the subject of State printing.

Which motion prevailed.

The question then being on the adoption of the resolution,

Mr. Buell moved to make it one of inquiry.

Which was agreed to.

The question recurring on the adoption of the resolution as amended.

And the question being put,

The ayes and noes were demanded by Messrs. Henry and Laird.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—91.

*Those who voted in the negative were,*

Messrs. Dyer, Freeland, Goodman, Greene, Hartley and Jennings—6.

So the resolution was adopted.

Mr. Thomas offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending sec. 94, chap. 6, of Revised Statutes, as requires county treasurers to attend at the usual places of holding elections in each township for one day to receive taxes, discretionary with the Board of County Commissioners.

When,

On motion by Mr. Pratt,

The reference was changed to the committee on Ways and Means.

And the resolution as amended was agreed to.

On motion by Mr. Brecount,

*Resolved*, That the committee on Education be instructed to inquire into and report the expediency of so altering sec. 14, chap. 98, of the Revised Statutes of 1852, as to require common school teachers at the end of each term to report all scholars admitted during the term, between the ages of four and twenty-one years of age, who are unmarried.

The Speaker laid before the House the following communication from the Doorkeeper.

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

The undersigned, Doorkeeper of the House, begs leave to state, that to carry into effect the resolution of the House adopted on yesterday, will occasion great loss to the State.

There are now in the cellar under the State House about 1500 bushels of coal, purchased and placed there by the Auditor of State, from considerations of economy. The removal and sale of the coal would occasion loss. It is believed if two cannon stoves were substituted in the place of those nearest the doors leading into the Rotunda, the Hall might be sufficiently warmed, and the inconveniences complained of entirely removed.

There is very little cord wood in the State House yard at this time, and what there is, is of indifferent quality. To saw and prepare for the stoves the wood necessary to warm this Hall, would require an addition of two assistants to the number already allowed me.

I therefore respectfully submit through you, to the consideration of the House the above facts, supposing the resolution of yesterday to have been adopted in ignorance of the expense attending a change in the mode of warming the Hall.

When,

On motion by Mr. Pratt,

The vote on the resolution referred to in the foregoing communication was reconsidered, and said resolution laid on the table.

The Speaker laid before the House the following communication from J. Morrison, Esq., with the accompanying report:

HON. O. B. TORBET,  
*Speaker of the House of Representatives:*

Please lay before the House of Representatives the accompanying report of the Commissioners of the Sinking Fund.

Respectfully,  
 J. MORRISON, *President.*

OFFICE OF THE SINKING FUND, }  
 INDIANAPOLIS, January 11, 1853. }

*To the Honorable, the General Assembly  
 of the State of Indiana:*

The Commissioners of the Sinking Fund herewith present their annual report to the General Assembly. Statement A exhibits the receipts and disbursements of the Fund within the past year, up to the 3d day of the present month. Statement B shows the whole condition of the Fund on that day.

Since the last report, the State has acquired by purchase of individuals, additional stock in the Bank at Vincennes to the amount of \$7,150. The bonds of the State, issued for banking purposes, have rated so high during the year, that we have not made any purchases.

J. MORRISON, *Prest.*,  
 P. M. PARKS,  
 WILLIAM DAILY,  
 JOHN F. CARR,  
 BEATTIE McCLELLAND.

When,

On motion by Mr. Hicks,

The report was laid on the table, and 1000 copies ordered to be printed.

The Speaker laid before the House the following communication from the President of the State Bank, with the accompanying report:

OFFICE OF STATE BANK OF INDIANA, }  
 INDIANAPOLIS, January 11, 1853. }

HON. O. B. TORBET,  
*Speaker of the House of Representatives:*

SIR,—Please lay before the House of Representatives the accompanying report of the State Bank of Indiana.

Respectfully,  
 J. MORRISON, *President.*

Which report,

On motion by Mr. Graham,

Was referred to the committee on Banks.

The Speaker announced the following as the standing committee

ON COUNTY AND TOWNSHIP BUSINESS:

Messrs. Howell, Dufour, Jones of Ripley, Orr, Service, Struble, and Hendricks.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the 2d, 3d, 4th and 5th engrossed amendments of the House to Senate bill, No. 1. "A bill to transfer the business pending in the probate courts to the courts of common pleas," without amendment; also that they have concurred in the 1st engrossed amendment, with the following engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.  
When,

On motion,

The House concurred in the engrossed amendment of the Senate to engrossed amendment of the House to Senate bill No. 1, as contained in the message.

By unanimous consent of the House, Mr. Hicks obtained leave and introduced,

No. 4. A bill to amend section thirty of an act entitled "an act to establish courts of common pleas," approved May the 14th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent of the House, Mr. Seawright obtained leave and introduced,

No. 5. A bill to extend the period of the duration of the Delphi and Frankfort Plank Road Company, approved January 15, 1849.

Which was read a first time and passed to its second reading.

On motion by Mr. Scott,

The vote concurring in the amendment of the Senate to engrossed amendment of the House, to engrossed bill of the Senate

No. 1. A bill to transfer the business pending in the probate courts to the court of common pleas;

Was reconsidered.

The question then recurring on concurring in said amendment;

The House refused to concur.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Milroy moved that the House adjourn.

Which motion did not prevail.

By unanimous consent of the House, Mr. Burnett obtained leave and introduced,

No. 6. A bill to prevent negroes, mulattoes, and Indians from



testifying in courts of justice in certain cases, and their acquiring real estate;

Which was read a first time and passed to a second reading.

On motion by Mr. Durham,

The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 13, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Shuman:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Ferris:

A petition from sundry citizens of Henry county, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Struble:

A petition from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Ferris:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Henry:

A petition from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Bundy:

Nine petitions from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Walker of Laporte:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Walker of Rush:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Cooper:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Dufour:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Read:

A petition from sundry citizens of Clark county, praying the repeal or modification of sections 62, 66, 105, 108, and such other

sections, as to relieve the settlement of decedents' estates from their difficulties.

Which,

On motion,

Was referred to the Judiciary committee.

By Mr. Gentry :

A petition from sundry citizens of Monroe county, asking that Cedar creek, in said county, may be declared a highway and a navigable stream.

Which,

On motion,

Was referred to the Judiciary committee.

#### REPORTS FROM COMMITTEES.

Mr. Struble, chairman of the committee on Elections, made the following report :

MR. SPEAKER :

The committee on Elections, to whom instructions were given yesterday by a resolution, to inquire whether Theodore C. Jennings, contesting the seat of Mr. Dyer of Owen county, in this House, if ever, and when he filed his statement in the clerk's office of Owen county, verified by his affidavit, setting forth the grounds on which he claims to have been elected ; and also whether he ever caused a copy of such statement to be served upon said Dyer ; and whether any proof has ever been taken in the premises ; and also to inquire and report whether any other elector, other than the said contestant, has ever taken such steps, beg leave to report, that said Jennings has never taken any preliminary steps whatever, prior to the petition to this Legislature, and that no other elector has on his behalf taken any such steps.

Which,

On motion by Mr. Pratt,

Was laid on the table.

Mr. Struble, chairman of the committee on elections, made the following report :

MR. SPEAKER :

The committee on Elections, to whom was referred the petition of Theodore C. Jennings of Owen county, contesting the right of Mr. Dyer to a seat in the Legislature, after inquiring as to the preliminaries taken by said Jennings, and in view of the constitutional question connected or presented in the petition of said Jennings, the majority of the committee beg leave to report, that the seat in this

House is now vacant, and that the matter be referred back to the people of said county.

Which,

On motion by Mr. Pratt,

Was laid on the table.

Mr. Walker of Rush, from the committee on elections, made the following minority report:

MR. SPEAKER:

We the undersigned, constituting a part of the committee on elections, to whom was referred the contested seat of Alfred Dyer, by Theodore C. Jennings, beg leave to make the following minority report:

*First.* In our opinion the certificate of said Dyer is regular, and in all respects according to law.

*Second.* There were no proceedings commenced or prosecuted in the county of Owen by the contestor or any other person, according to law, contesting the seat of the said Dyer in this House.

*Third.* There is no proof of the facts alleged in said petition, nor any other fact which in our opinion would deprive the said Dyer of his seat.

*Fourth.* We are of the opinion that the certificate presented by Mr. Dyer is *prima facie* evidence of his election and qualification, and that the fact necessary to show that he is not entitled to his seat must be distinctly charged and then proven by the contestor.

*Fifth.* In conclusion, beg leave to state that from all the facts and evidence brought before us, we are of the opinion that said Alfred Dyer is entitled to a seat in this House as Representative from Owen county.

Which,

On motion by Mr. Orr,

Was laid on the table.

On motion by Mr. Hamrick,

The report of the commissioners and superintendent of the Hospital for the Insane, was taken from the table and referred to the committee on Benevolent and Scientific Institutions.

#### RESOLUTIONS.

On motion by Mr. Chapin,

*Resolved*, That the committee on education be directed to inquire into the expediency of amending the late school law, as to the time of electing its officers, and also upon what basis the distribution of school fund shall be made.

On motion by Mr. Hicks,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the common school law as to

provide that all funds raised by taxation or otherwise, for the use of schools be retained and distributed in the counties raising the same, and report by bill or otherwise.

On motion by Mr. Struble,

*Resolved*, That the committee on education inquire into the expediency of changing the present school law so as to re-establish the district system, so that each school district build their own house.

On motion by Mr. Orr,

*Resolved*, That the committee on the judiciary be instructed to inquire into the second section of "an act to provide for a general and uniform system of common schools, and school libraries and matters properly connected therewith," approved June the 14th, 1852.

If said section in said act, in placing and consolidating the fund, known and designated as the congressional township fund, with the other funds named in said section, to be applied to general school purposes as contemplated in said act, do not conflict with the sixth section of the act of Congress, approved April the 19th, 1816, and report to this House as soon as practicable.

Mr. Clark offered the following resolution:

*Resolved*, That the committee on swamp lands be instructed to inquire into the expediency, of so amending the law on the subject of the swamp lands, so as to put the entire control and management of the same under the control and supervision of the Board of Commissioners of the county in which the same is situate.

Which was disagreed to.

On motion by Mr. Spencer,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the eighty-fifth section of an act entitled "act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith," so as to provide competent pay for the deputies appointed in each county by the Superintendent of Public Instructions, and report by bill or otherwise.

On motion, by Mr. Ryon,

*Resolved*, That the committee on roads, be instructed to take into consideration the propriety of a uniform law establishing public highways, and vacating the same when such highways depend upon the contingency of travel for their legal existence, and report by bill or otherwise.

On motion by Mr. Turpie,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing a law, giving to the herders and feeders of cattle a lien upon the stock in their possession, for their services as such, and report by bill or otherwise.

On motion by Mr. Freeland,

*Resolved*, That the committee on ways and means be instructed

to inquire into the expediency of so amending the revenue law, as to prevent in any case a double taxation.

Mr. Maxfield offered the following resolution:

*Resolved*, That the Clerk of this House be instructed to contract for the same newspapers, and the same number of each, for each and every member of this House, as are furnished to the members of the Senate.

Which,

On motion by Mr. Turpie,

Was laid on the table.

#### JOINT RESOLUTIONS INTRODUCED.

Mr. Manville obtained leave and introduced,

No. 1. "A joint resolution to correct the abuse of the franking privilege."

Which was read a first time and passed to a second reading.

By unanimous consent,

On motion by Mr. Gentry,

*Resolved*, That the House proceed, *instantly*, with closed doors, to the election of a President and two Directors of the State Bank, and that the Senate be informed thereof.

A message from the Senate by Mr. Sites their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution to go into the election of State Bank President and two Directors *instantly*.

The doors of the House were then ordered to be closed.

The House then proceeded by a *viva voce* vote, to the election of a president of the State Bank of Indiana, to fill the vacancy which will occur by the expiration of the term of service of the present incumbent.

*Those who voted for Ebenezer Dumont were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donaldson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson,

Rockafellar, Ryon, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—94.

*Those who voted for James Morrison were,*

Messrs. Ferris, Harris, and Shuman—3.

*Those who voted blank were,*

Messrs. Scott and Shelby—2.

Mr. Hooper voted for Henry Swyhart.

Ebenezer Dumont having received a majority of all the votes given, was declared duly elected, on the part of the House, President of the State Bank of Indiana, to serve as such for a term of five years from and after the expiration of the term of service of the present incumbent.

Ordered, that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to transmit to the House of Representatives the accompanying sealed message, relative to the election of the President of the State Bank.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that at an election held by the Senate with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a President of the State Bank of Indiana, to serve as such for the term of five years from and after the expiration of the term of office of the present incumbent, Ebenezer Dumont, on the first *viva voce* vote of the Senate, received a majority of all the votes cast. It was therefore declared by the President of the Senate that Ebenezer Dumont, on the part of the Senate, was duly elected President of the State Bank of Indiana, to serve as such for five years from and after the expiration of the term of office of the present incumbent.

G. L. SITES, *Sec'y. of Senate.*

The House then proceeded, with closed doors, to the election of a Bank Director, to fill the vacancy that will occur by the expiration of the term of service of the Hon. John F. Carr.

*Those who voted for John F. Carr were*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell,

Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafeller, Ryon, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—97.

*Those who voted blank were,*

Messrs. Scott, Shelby, and Shuman—3.

Mr. Carr having received a majority of all the votes given, was, by the Speaker declared duly elected on the part of the House to serve as director of the State Bank of Indiana, for and during the term of four years, from and after the expiration of the term of service of the present incumbent.

Ordered that the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to deliver to the House of Representatives the accompanying sealed message in relation to the election of one director of the State Bank.

**MR. SPEAKER :**

I am directed by the Senate, to inform the House of Representatives, that at an election for a director of the State Bank of Indiana, held with closed doors in pursuance of a resolution of the two Houses, Parmenter M. Parks, Esq., received on the first *viva voce* vote a number equal to a majority of all the votes given, and was declared duly elected on the part of the Senate, a director of the State Bank of Indiana, on the part of the State, to serve as such for and during the term of four years from and after the expiration of the term of service of the present incumbent, Parmenter M. Parks, Esq.

Attest,

GEO. L. SITES,

*Secretary of Senate.*



There being no election, the House again proceeded by a *viva voce* vote to the election of Bank Director to fill the vacancy that will occur by the expiration of the term of service of Hon. Parmenter M. Parks, the present incumbent.

*Those who voted for Parmenter M. Parks, were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—97.

Messrs. Shelby and Shuman voted blank.

Mr. Parks having received a majority of all the votes given, was by the Speaker declared duly elected on the part of the House to serve as director of the State Bank of Indiana, for and during the term of four years, from and after the expiration of the term of service of the present incumbent.

The following message was received from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to deliver to the House of Representatives, the accompanying sealed message in relation to the election of one director of the State Bank of Indiana.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election for a director of the State Bank of Indiana, held with closed doors in pursuance of a resolution of the two Houses, Parmenter M. Parks, Esq., received on the second *viva voce* vote, a number equal to a majority of all the votes given, and was declared duly elected on the part of the Senate, a director of the State Bank of Indiana, on the part of the State, to serve as such for and during the term of four years from and after the expiration of the term of service of the present incumbent, Parmenter M. Parks, Esq.

Attest,

GEO. L. SITES,

*Secretary of Senate.*

The House then proceeded with closed doors to the election of Bank director, to fill the vacancy that will occur by the expiration of the term of service of the Hon. John F. Carr, the present incumbent.

*Those who voted for John F. Carr were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker. Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar. Ryon, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—97.

*Those who voted blank were,*

Messrs. Scott, Shelby, and Shuman—3.

Mr. Carr having received a majority of all the votes given, was by the Speaker declared duly elected on the part of the House, to serve as a director of the State Bank of Indiana for and during the term of four years, from and after the expiration of the term of service of the present incumbent.

Ordered, that the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to transmit to the House of Representatives the following sealed message in relation to the election of Bank director:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that at an election for a director of the State Bank of Indiana, with closed doors, in pursuance of a resolution of the two Houses, to serve as such for four years from and after the expiration of the

term of service of the present incumbent, John F. Carr, Esq.; John F. Carr, on the first *viva voce* vote received a majority of all the votes given, and was therefore declared duly elected on the part of the Senate, a director of the State Bank of Indiana, to serve as such during the term of four years from and after the expiration of the term of service of the present incumbent.

GEORGE L. SITES, *Sec. of the Senate.*

On motion by Mr. Manville,  
The House adjourned.

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2 o'clock, P. M.

The House met.

By unanimous consent,

On motion by Mr. Graham,

*Resolved*, That the Senate be invited to attend in the hall of the House *instantly*, for the purpose of electing a State Printer, and that seats be provided on the right of the Speaker's chair.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Chapin offered the following resolution:

*Resolved*, That the House will, the Senate concurring, go into the election of State Agent on Saturday morning at 10 o'clock A. M.

Which,

On motion by Mr. Pratt,

Was laid on the table.

The Senate then came into the hall of the House, when both branches of the General Assembly proceeded by joint *viva voce* vote to the election of State Printer, to fill the vacancy which will occur by the expiration of the term of service of the present incumbent.

*Those who voted for Austin H. Brown were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shellenberger, Shields, Shook, Slater, and Spann, of the Senate; and

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Graham, Ham-

mond, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Rockafellar, Ryon, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker, of the House of Representatives—99.

*Those who voted for John D. Defrees were,*

Messrs. Butler, Edwards, Griggs, Harris, Helm, Hendry, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow, of the Senate; and

Messrs. Burnett, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Greene, Hamrick, Harris, Hendricks, Hooper, Hunt, Jennings, Johnson, Laird, Lines, Martin, Orr, Peckenpaugh, Pratt, Scott, Service, Shelby, Shuman, Steele, Taber, Walker of Rush, and Yount, of the House of Representatives—41.

Austin H. Brown having received a majority of all the votes given, was declared duly elected State Printer for the State of Indiana, to serve as such for a term of three years from and after the first day of August, one thousand eight hundred and fifty three.

The Senate then retired to their chamber.

By unanimous consent,

On motion by Mr. Pratt,

*Resolved*, That the Auditor of State be requested to communicate to this House, at as early a day as practicable, the nature and extent of the duties appertaining to the office of State Agent at this time; how far it is practicable to transfer those duties to the office of Auditor of State; and in case of transfer, what additional compensation should in his opinion be made that officer for increased business arising from such transfer.

By unanimous consent,

Mr. Farnsley offered the following preamble and resolution:

**WHEREAS**, there is in this city a young man by the name of Norris, who, as I am informed, is insane, and likely to do mischief: Information concerning him can be given by Messrs. Gootee and Sutton, of this body. Therefore,

*Resolved*, That the superintendent of the Asylum of the Insane be authorized to take charge of the said Norris, for the time being.

Which was agreed to.

By unanimous consent,

Mr. Manville obtained leave and introduced

No. 2. A joint resolution to encourage home manufactures.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Seawright offered the following resolution:

*Resolved*, That a select committee of three on the part of the House, and three on the part of the Senate be appointed to examine the late Revised Statutes, and report to their respective houses the sections or parts of sections that conflict with the provisions of the constitution, and conflict with each other, and also any omissions or confictions that may have escaped the notice of the committee on revision.

Which was adopted; and

Messrs. Seawright, Hendricks, and Moss were appointed said select committee on the part of the House.

By unanimous consent,

Mr. Orr obtained leave and offered the following resolution:

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of a more thorough organization of the militia of the State of Indiana, and report their action on the same to this House.

Which was agreed to.

By unanimous consent of the house,

Mr. Buell obtained leave and introduced

No. 7. A bill to change and fix permanently the times of holding the terms of the circuit courts in the several counties in the fifth judicial circuit.

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,

Mr. Stockwell obtained leave and offered the following preamble and resolution:

WHEREAS, it is believed that certain associations doing business under an act entitled "An act to authorize the business of General Banking, approved May 28, 1852," have not complied with the provisions of said act. Therefore, be it

*Resolved*, That the Auditor of State be directed to inform this House at the earliest day practicable whether each association doing business under such act, has established an office of discount and deposit as contemplated by article 2nd of sec. 18, and also whether such associations have each made a semi-annual report as required by the 27th section of said act.

Which was agreed to.

By unanimous consent of the house,

Mr. Durham obtained leave and introduced

A petition from sundry citizens of the State of Indiana praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage:

Which was referred to the committee on temperance.

By unanimous consent,

Mr. Dufour offered the following resolution:

*Resolved*, That the clerk be authorized to make arrangements with

the postmaster for sending off the newspapers and documents from the house and authority given to certify to the postmaster's account upon the doorkeeper's certificate as to the number of papers and documents delivered by him.

Which was agreed to.

By unanimous consent,

Mr. Gootee offered the following resolution:

*Resolved*, That the sergeant at arms be ordered to take Charles N. Norris who is insane, to the insane Asylum, and that there be a copy of the resolution that was adopted to that effect sent to the officer in charge of said asylum.

Which was agreed to.

By unanimous consent,

Mr. Able obtained leave and offered the following resolution.

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing or modifying the law of descent, passed May 14th, 1832, and report by bill or otherwise.

Which was agreed to.

By unanimous consent,

Mr. Moss obtained leave and offered the following resolution:

*Resolved*, That an act entitled An act providing for the settlement of decedents' estates, prescribing the rights liabilities and duties of officers connected with the management thereof, and certain forms to be used in such settlement, approved June 17th, 1852, be referred to a select committee of five, with instructions to report thereon by bill or otherwise.

Which was agreed to. And,

Messrs. Moss, Pratt, Turpie, Hooper and Gootee, were appointed said committee.

By unanimous consent,

Mr. Burnett obtained leave and introduced

No. 3. "A Joint resolution relative to granting public lands to actual settlers."

Was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate insists on the amendment of the Senate to the amendment of the House, to Senate bill No. 1. "A bill to transfer the business pending in the probate courts to the courts of common pleas."

Mr. Scott moved that the House insist on its disagreement to amendment of the Senate to engrossed amendment of the House to bill of the Senate, No. 1, as contained in the message.

Which was decided in the affirmative.

When,

On motion by Mr. Scott,

A committee of free conference was ordered. Messrs. Scott and Moss were appointed said committee.

Ordered that the Clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 3. "A bill to repeal an act fixing the time of holding circuit courts in the county of Marion, and for other purposes, approved February 16, 1848; and an act relative to the practice of the law in Marion county," approved February 13th, 1851;

Was read a second time and ordered to be engrossed.

No. 4. A bill to amend section 30, of an act entitled an act to establish courts of common pleas, approved May 14th, 1852;

Was read a second time,

When,

On motion by Mr. Hicks,

The bill was referred to the committee on the organization of Courts of Justice.

No. 5. A bill to extend the period of the duration of the Delphi and Frankfort Plank Road Company, approved January 15th, 1849;

Was read a second time,

When,

On motion by Mr. Dufour,

The bill was referred to the committee on Corporations.

No. 6. A bill to prevent negroes, mulattoes, and Indians from testifying in courts of justice in certain cases, and their acquiring real estate;

Was read a second time,

When,

On motion by Mr. Pratt,

The bill was referred to the Judiciary committee.

The Speaker laid before the House the following communication from the Doorkeeper.

HON. O. B. TORBET,

*Speaker of House of Representatives:*

The undersigned, Principal Doorkeeper of the House of Representatives, would respectfully report to the honorable body over which you preside, that he has employed four assistants, one being engaged on each side of the bar, one inside to carry reports, etc., and one in the stationery room. The person who is employed in the stationery room is unable to discharge the duties connected therewith, and there is as yet no one to attend in and prepare the committee rooms.

The undersigned would, therefore, respectfully petition to be allowed to appoint two additional assistants.

Very respectfully,

J. J. BARRETT, *Doorkeeper.*

Which,

On motion,

Was laid on the table.

By unanimous consent of the House,

Mr. Hicks obtained leave, and presented ten petitions from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

Were referred to the committee on Temperance.

By unanimous consent,

Mr. Clark obtained leave, and presented a petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

Was referred to the committee on temperance.

By unanimous consent,

Mr. Handy obtained leave and presented a petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage;

Which

Was referred to the committee on temperance.

By unanimous consent of the House,

Mr. Freeland obtained leave and presented five petitions from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which

Was referred to the committee on temperance.

Mr. Emery asked leave of the House to withdraw from the committee on temperance.

Which,

On motion,

Was not granted.

Mr. Donelson gave notice that he would on to-morrow or some subsequent day, offer a resolution to add another committee to the standing committees of the House "on Federal Relations."

By unanimous consent,

Mr. Pratt obtained leave, and offered the following resolution :

*Resolved.* That the committee on the judiciary be instructed to inquire whether there is not a want of uniformity in the laws passed by the last General Assembly in respect to the mode in which contracts of individuals are evidence.—whether by those laws seals are not in some cases required, and in other cases dispensed with, and whether it is not practicable and wise to dispense with the use of seals in all cases of contracts between individuals and to abolish



entirely in such contracts the distinction between sealed and unsealed instruments.

Which was agreed to.

By unanimous consent,

Mr. Farnsley obtained leave, and offered the following resolution :

*Resolved*, That this House now go into committee of the Whole on the Governor's message.

Which was agreed to.

The House resolved itself into committee of the Whole on the Governor's message, Mr. Dufour in the chair.

After remaining in session some time, the committee arose and made the following report, through Mr. Dufour, their chairman :

MR. SPEAKER :

The committee of the whole House, to whom was referred the annual message of his Excellency, the Governor, have had the same under consideration, and have passed sundry resolutions in relation thereto, in which the concurrence of the House is respectfully requested.

The House then proceeded to the consideration of the resolutions of the committee jointly.

1. *Resolved*, That that portion of the message which relates to agriculture, be referred to the committee on Agriculture.

2. *Resolved*, That so much of the Governor's message as relates to a geological and topographical survey of the State, be referred to a committee composed of one from each congressional district.

3. *Resolved*, That that portion of the Governor's message which relates to the subject of swamp lands, be referred to the committee on Swamp lands.

4. *Resolved*, That so much of the Governor's message as relates to common schools, be referred to the committee on Education.

5. *Resolved*, That so much of the Governor's message as recommends that drunkenness be made an offense punishable by law, be referred to the committee on the Rights and Privileges of the Inhabitants of this State.

6. *Resolved*, That so much of the Governor's message as relates to the Wabash and Erie canal, be referred to the committee on Canals and Internal Improvements.

7. *Resolved*, That so much of the Governor's message as relates to the subject of banking and currency, be referred to the committee on Banks.

8. *Resolved*, That so much of his Excellency, the Governor's message, as relates to the propriety of creating the office of Attorney General, be referred to the committee on the Judiciary.

9. *Resolved*, That so much of the Governor's message as relates to the State Prison, be referred to the committee on the State Prison.

10. *Resolved*, That so much of the Governor's message as relates

to the re-organization of the board of trustees for the State University, be referred to the committee on Education.

11. *Resolved*, That so much of the Governor's message as relates to the abolishment of the office of Agent of State, be referred to a select committee of three.

12. *Resolved*, That that portion of the Governor's message relative to the subject of taxation and finance, be referred to the committee on Ways and Means.

13. *Resolved*, That so much of the Governor's message as relates to the benevolent and scientific institutions, be referred to the committee on that subject.

14. *Resolved*, That so much of the Governor's message as relates to fees and salaries, be referred to the committee on Public Expenditures.

15. *Resolved*, That so much of the Governor's message as relates to the endowment of a professorship from the proceeds of the late grant from Congress, be referred to the committee on Education.

16. *Resolved*, That so much of the Governor's message as relates to creating an officer to superintend the banking department, be referred to the committee on Banks.

17. *Resolved*, That so much of the Governor's message as relates to houses of refuge, shall be referred to a select committee of one from each judicial circuit.

18. *Resolved*, That so much of the Governor's message as relates to the subject of colonization, be referred to a select committee of one from each judicial circuit.

19. *Resolved*, That so much of the Governor's message as relates to employing a private Secretary for his Excellency, be referred to the committee on Public Expenditures.

20. *Resolved*, That so much of the Governor's message as relates to Thomas Hunsucker, sheriff of the county of Jackson, be referred to the committee on Public Expenditures.

21. *Resolved*, That so much of the Governor's message as relates to the University at Bloomington, be referred to a select committee.

22. *Resolved*, That that portion of the Governor's message which relates to betting on elections, be referred to the committee on the Rights and Privileges of the Inhabitants of the State.

23. *Resolved*, That so much of the Governor's message as relates to the fraudulent redemption of canal, quarter per cent., six per cent., and bank scrip, be referred to a select committee of three.

24. *Resolved*, That so much of the Governor's message as relates to liens in favor of laborers on public works, be referred to the committee on the Judiciary.

25. *Resolved*, That that portion of the Governor's message relating to the suit of Patrick McGinley, be referred to the committee on Public Expenditures.

26. *Resolved*, That so much of the Governor's message as relates

to the frequent loss of human life on our railroads, and other thoroughfares, be referred to the committee on Roads.

27. *Resolved*, That so much of the Governor's message as relates to a fund to be appropriated to instruct male and female teachers in the art of teaching, be referred to a select committee on Normal Schools.

28. *Resolved*, That so much of the Governor's message as relates to the affairs of the State Prison, in reference to the State having the entire management and control thereof, be referred to the committee on the affairs of the State Prison.

29. *Resolved*, That so much of the Governor's Message as refers to the establishment of a Bureau of Statistics, for a thorough geological and topographical survey of the State, be referred to the committee on manufactures, &c.

30. *Resolved*, That so much of the Governor's Message as relates to the increase of pay of the Private Secretary, be referred to the committee on ways and means.

31. *Resolved*, That so much of the Governor's Message as relates to the reservoir in Clay county, be referred to the committee on canals and internal improvements.

Which resolutions were concurred in jointly, and the Speaker appointed

Messrs. Stockwell, 1st district; Farnsley, 2nd; Gentry, 3d; Underwood, 4th; Druley, 5th; Hicks, 6th; Steele, 7th; Chapin, 8th; McDonald of Lake, 9th; Brothwell, 10th; and Lines, 11th; a committee on resolution No. 2.

Messrs. Read, Chapin, and Steele, a committee on resolution No. 11.

Messrs. Graham, 3d judicial circuit; Dodd, 1st; Catlin, 2nd; Rockafellar, 4th; Handy, 5th; Dunlavey, 6th; Harris, 7th; Shelby, 8th; Thomas, 9th, and Henry, 10th, a committee on resolutions, Nos. 17 and 18.

Messrs. McDonnall of Sullivan, Gentry, and Hamrick, a committee on resolution No. 21.

Messrs. Donald, Maxfield and Buell, a committee on resolution No. 23.

Messrs. Ryon, Cooper and McCormick, a committee on resolution No. 27.

By unanimous consent,

Mr. Walker of Laporte offered the following resolution:

*Resolved*, That his excellency the Governor, be authorized to open a correspondence with the Governor of the State of Illinois, requesting the passage of a bill by the Legislature of said State, granting to the State of Indiana, or such persons as she or her agents may designate the privilege of opening the falls of the Kankakee river, and straightening the channel of said river, in Illinois, above said falls.

Which was agreed to.

By unanimous consent,

M. Spencer obtained leave and offered the following resolution:

*Resolved*, That the committee on swamp lands be instructed to inquire into the expediency of so amending the thirty-seventh section of the act entitled "An act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of the grant," so as to make the same subject to entry at seventy-five cents per acre, and report by bill or otherwise.

Which was disagreed to.

On motion by Mr. Bundy,  
The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 14, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate refuse to recede from their engrossed amendment to the engrossed amendment of the House to Senate bill No. 1, entitled "a bill to transfer the business pending in the probate courts to the court of common pleas," and have appointed Messrs. Gibson and Humphreys a committee of free conference on the part of the Senate, to act with a similar committee heretofore appointed on the part of the House to adjust the differences between the two Houses on Senate bill No. 1.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House to appoint a joint select committee to examine the late Revised Statutes, and report to their respective Houses the sections or parts of sections that conflict with the provisions of the constitution and conflict with each other. Also, any omission or conflicts that may have escaped the notice of the committee on Revision; and Messrs. Anthony, Witherow and Gibson were appointed said committee on

the part of the Senate, to act with the committee heretofore appointed on the part of the House.

The Speaker laid before the House the following communication from his Excellency, the Governor, with the accompanying claim.

EXECUTIVE DEPARTMENT, }  
JANUARY 14, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—I enclose you the claim of Garland B. Allender and others, of Rush county, which you will please lay before the House over which you preside.

Respectfully yours,

JOSEPH A. WRIGHT.

Which,

On motion,

Was referred to the committee on Claims.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Steele:

A petition from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was referred to the committee on Temperance.

By Mr. Goodman:

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was referred to the committee on Temperance.

By Mr. Dodd:

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was referred to the committee on Temperance.

By Mr. Jennings:

A petition from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was referred to the committee on Temperance.

By Mr. Moss:

A petition from sundry citizens of the State of Indiana, praying

the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Buell:

A petition from sundry citizens of Marion county, paying the passage of a law changing the venue in criminal cases ;

Which was referred to the Judiciary committee.

By Mr. Martin:

A petition from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage ;

Which was referred to the committee on temperance.

By Mr. Milroy:

Three petitions from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage ;

Which were referred to the committee on Temperance.

By Mr. Johnson:

Fifteen petitions from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage ;

Which was referred to the committee on temperance.

By Mr. Stackhouse:

Three petitions from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage ;

Which was referred to the committee on Temperance.

By Mr. Stephens:

A memorial from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage ;

Which was referred to the committee on Temperance.

By unanimous consent, Mr. Scott, from the committee on Free Conference on Senate bill No. 1, obtained leave and made the following report :

MR. SPEAKER :

The committee of Free Conference to whom was referred Senate bill No. 1, have had the disagreement of the House to the Senate's amendment to the first amendment of the House under consideration, and have directed me to report that they have unanimously agreed to recommend that that the House recede from its disagreement.

Whereupon the House receded from its disagreement.

*Ordered*, That the Clerk inform the Senate thereof.

## RESOLUTIONS.

On motion by Mr. Graham,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue law, that no real estate shall be sold for taxes when the resident tax-payer has personal property sufficient to pay said tax.

On motion by Mr. Donelson,

*Resolved*, That the Speaker be requested to appoint a standing committee "on federal relations."

Mr. Bundy offered the following preamble and resolution.

WHEREAS, It appears that the Doorkeeper and his assistants cannot perform the duties devolving upon them; therefore

*Resolved*, That the Doorkeeper be allowed two additional assistants.

Which was agreed to.

On motion by Mr. Donelson,

*Resolved*, That the committee on Public Expenditures, be instructed to inquire into the expediency of giving the doorkeeper of this House a stated salary.

On motion by Mr. Goodman,

*Resolved*, That the committee on Temperance are hereby instructed to inquire into the expediency of so changing the law, licensing retailers of spirituous liquors that no license shall be granted to retail spirituous liquors in any of the civil townships in this State where a majority of the qualified voters of each township have not at their April election voted in favor of license, with leave to report by bill or otherwise.

On motion by Mr. Work,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of so graduating the prices of Swamp Lands as to insure their sale and settlement.

On motion by Mr. Ferris,

*Resolved*, That the attention of the committee on Education be directed to the fact that the school law fixes no standard of the qualification of teachers, and that it makes no efficient provision for their examination.

On motion by Mr. Pratt,

*Resolved*, That the Committee on the Judiciary be requested to inquire, 1st, whether the laws adopted by the last General Assembly in relation to the descent, and distribution of the property of decedents; and also in relation to the widow's portion; and also in relation to the amount exempt from execution, do or do not respect the rights of creditors accruing before such laws take effect.

2nd. And if they do not respect such rights, whether they are not so far unconstitutional, as impairing the obligation of contracts.

3rd. And whether they ought not to be so amended as not to

impair the rights of any creditors growing out of a contract formed under previous laws.

On motion by Mr. Hooper,

*Resolved*, That the Auditor of State, be and is hereby requested to report to this House at as early a day as possible, whether the duties required to be performed by the Auditor of State, by the act entitled "An act to authorize and regulate the business of General banking," approved May 28th, 1852, in any way come in conflict with the duties of his office, and whether he can conveniently perform the duties aforesaid without injury or loss to the ordinary business of his office.

By unanimous consent,

Mr. Taber obtained leave and introduced,

No. 4. "A joint resolution on the subject of temperance."

Which,

Was read a first time and passed to a second reading.

Mr. Chapin offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of enlarging the common pleas districts, thereby decreasing the number of judges, and equalizing their compensation, &c.

Which,

On motion of Mr. Dufour,

Was laid on the table.

On motion by Mr. McClure,

*Resolved*, That the select committee to whom was referred that part of the Revised Statutes entitled "an act to provide for the settlement of decedents' estates," inquire into the expediency of so amending the sixty-sixth section of said act as to dispense with testimony before the court upon allowance of such claims as the administrator or executor may think just.

On motion by Mr. Jones of Ripley,

*Resolved*, That the committee on county and township business, be instructed to inquire into the expediency of providing a law for the payment of township assessors.

On motion by Mr. Orr,

*Resolved*, That the committee on Public Expenditures be instructed to inquire into the expediency of a more uniform and just regulation of fees and salaries of State and county officers, and report by bill or otherwise.

On motion by Mr. Emery,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of repealing section nine of the act to provide for a general and uniform system of common schools, and report by bill or otherwise.

On motion by Mr. Turpie,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of authorizing the justice of the peace



oldest in commission in any township, where a dead body may be found, to empanel a jury and hold an inquest, in the absence of the coroner from the county, and other cases of emergency, and report by bill or otherwise.

On motion by Mr. Ryon,

*Resolved*, That the committee on the Judiciary are hereby instructed to consider the propriety of so amending the law governing criminal prosecutions, where charges are preferred and well sustained, amounting to felony, as not to admit of any court taking a recognizance bail bond for a less sum than one thousand dollars, and report by bill or otherwise.

The Speaker laid before the House the following communication from the Auditor of State, in answer to a resolution of the House.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Jan. 14, 1853. }

*To the Speaker of the House of Representatives:*

SIR:—I am in receipt of the following resolution of the House, to-wit:

*Resolved*, That the Auditor of State be requested to communicate to this House, at as early a day as practicable, the nature and extent of the duties appertaining to the office of State Agent at this time; how far it is practicable to transfer those duties to the office of Auditor of State, and in case of transfer what additional compensation should, in his opinion, be made that officer for the increased business arising from such transfer.

In answer thereto, I have the honor to submit the following statement: The office of Agent of State was originally charged with the care and custody of the public property, the arrangement and settlement of debts due to or from the State, compounding with debtors, sale of property, etc.; which duties could all be performed by a resident citizen of the State, without necessarily having or keeping an office elsewhere. The bonds of the State, as originally issued were coupon bonds; the coupons specifying the place of payment of interest at a bank in the city of New York, London, or elsewhere, and the bonds were transferable as other negotiable paper, without assignment, except by the original holder, and without record of such transfer.

Under the acts of 1846 and 1847, commonly designated as the Butler Bill, an entirely new round of duties was assigned to this office. The old coupon bonds were to be surrendered and new bonds issued, and which were specially declared to be transferable, upon surrender in the city of New York, in books provided for the purpose by the Agent of Agent, *there resident*. He is also charged with the issue and transfer of all the stocks chargeable upon the Wabash and Erie Canal, and with the payment of the semi-annual interest

accruing upon the State bonds. All these stocks bear his signature, and when transferred from one holder to another, are surrendered and cancelled, registered upon the books in his office, and new bonds issued to the last purchaser by the Agent of State.

His duties are, therefore, not only responsible but unremitting. His office must be daily open, and the terms of the compact with the bondholders, as specified on the face of every bond, require this office to be in the city of New York, and not elsewhere. The State may violate any other provision of the State debt arrangement, with as much plausibility or credit to herself as this. It would, in my estimation, be very improper to transfer the duties of this office to the Auditor of State. The latter is the only check upon the former—the only supervisory officer under whose inspection the acts of the agent are to pass. Hereafter the amount of interest to be disbursed will amount to not less than three hundred thousand dollars; it is, therefore, of much more importance that the chief accounting officer of the State, should have a disinterested supervision of this large disbursement, than that a small amount of expense should be saved. The Auditor could, in no case, give his personal attention to the matter, and as some sort of agency must be retained in New York, it would seem more proper, aside from other considerations above specified, that the Legislature should make the selection and not the Auditor, and that some trustworthy, responsible citizen of our own State should be preferred, to a broker or banker in Wall-street.

Respectfully,

E. W. H. ELLIS, *Auditor of State.*

Which,

On motion by Mr. McDonald of Lake,

Was referred to the Judiciary committee.

On motion by Mr. Wilson,

*Resolved*, That the committee on Ways and Means be, and the same is hereby instructed to inquire into the propriety of so changing the assessment law as to require each property holder to return a list of all personal property liable to assessment owned by him or her to the assessor, at the annual spring election in each year, and report by bill or otherwise.

Mr. Richardson offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the 8th section of the Revised Statutes of 1852, as to authorize county auditors to administer oaths generally.

Which was disagreed to.

On motion by Mr. Donald,

*Resolved*, That the committee on the organization of courts of justice be instructed to inquire into the expediency of repealing all laws granting changes of venue and more than two continuances in the circuit court.

## JOINT RESOLUTIONS.

Mr. Hicks obtained leave and introduced

No. 5. A joint resolution in reference to the soldiers of the war of 1812, and their heirs.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

On motion by Mr. Walker of Laporte,

The vote on the adoption of a resolution authorizing his excellency the Governor to open a correspondence with the Governor of the State of Illinois, was reconsidered, and said resolution laid on the table.

Mr. Walker of Laporte obtained leave and introduced

No. 6. A joint resolution in reference to obtaining permission of the State of Illinois to open the falls and straighten the channel of the Kankakee river above said falls.

Which was read a first time ;

When, Mr. Brown moved to suspend the rule and read the joint resolution a second time now.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Brecount, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Dodd, Dufour, Durham, Dyer, Emery, Farnsley, Ferguson, Freeland, Handy, Hendricks, Hicks, Howell, Hunt, Lasselle, Lemmon, Maxfield, McCormick, McClure, McKee, McKinney, Milroy, Orr, Scott, Shelby, Shoemaker, Shuman, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Underwood, Walker of Laporte, and Yount—44.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brothwell, Clark, Cooper, Donald, Donelson, Druley, Dunlavey, Ferris, Fleming, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Harris, Henry, Henton, Hooper, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McDonald of Lake, Moss, Parker, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Seawright, Service, Simpson, Stackhouse, Struble, Turpie, Walker of Rush, Wilson, Work, and Mr. Speaker—49.

So the rule was not suspended, and the joint resolution was passed to a second reading.

By unanimous consent,

Mr. Orr obtained leave and introduced

No. 8. A bill defining the number of hours to be a day's work in all contracts relating to labor.

Which was read a first time and passed to a second reading.

Mr. Seawright gave notice that he would on to-morrow, or some subsequent day, introduce

"A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of the interest on the public debt."

#### ORDERS OF THE DAY.

##### *House bills, &c., on second reading.*

No 7. A bill to change the time of holding the terms of the circuit courts for the several counties in the fifth judicial circuit;

Was read a second time, when

On motion by Mr. Buell,

The bill was referred to the committee on the Organization of Courts of Justice.

No. 1. A joint resolution to correct the abuse of the franking privilege;

Was read a second time and ordered to be engrossed.

No. 2. A joint resolution to encourage home manufactures;

Was read a second time, when

On motion by Turpie,

The joint resolution was referred to the committee on Manufactures and Commerce.

No. 3. A joint resolution relative to granting lands to actual settlers;

Was read a second time, when

On motion by Mr. Pratt,

The joint resolution was referred to the committee on Agriculture.

##### *House Bills on Third Reading.*

No. 3. A bill to repeal an act fixing the time of holding circuit courts in the county of Marion and for other purposes, approved February 16, 1848, and "an act relative to the practice of the law in Marion county," approved February 13, 1851;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris,

Fleming, Freeland, Gentry, Goodman, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Ripley, Lemmon, Lewis, Lines, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—84.

*Those who voted in the negative were,*

Messrs. Ballard, Gootee, Graham, Greene, Hartley, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lowe, and McKinney—11.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion,

Mr. Hicks obtained leave of absence until Monday next on account of sickness.

Mr. Brothwell moved that the House adjourn, when

Mr. Underwood moved to amend the motion, so as to adjourn until to-morrow morning at the usual hour.

Which was agreed to.

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SATURDAY MORNING, 9 o'clock, }  
January 15th, 1853.

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

On motion by Mr. McDonald of Lake,

Leave of absence was granted to Mr. Maxfield, until Monday next.

**PETITIONS, MEMORIALS, &C, PRESENTED.**

By Mr. Donald:

A petition from sundry citizens of Gibson county, praying the

passage of a law clearing the timber from the reservoir in said county.

Which,

Was referred to the committee "on canals."

By Mr. Fleming:

Eight petitions from sundry citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

Were referred to the committee on Temperance.

On motion by Mr. Walker of Laporte,

Leave of absence was granted to Mr. Bundy until Monday next, at noon.

On motion,

Leave of absence was granted to Mr. Hendricks until Monday next at noon.

By Mr. Moss:

A petition from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Read:

A petition from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

On motion by Mr. McCormick,

Leave of absence was granted to Mr. Chapin until Monday next, at noon.

#### REPORTS FROM COMMITTEES.

Mr. Pratt from the judiciary committee made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House Bill No. 2, entitled "An act concerning choses in action, and the recovery thereof before justices of the peace," have according to order, had the same under consideration, and directed me to report the same back to the House and recommend its indefinite postponement.

Which was concurred in.

Mr. Scott from the judiciary committee made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred resolution No. 15, upon the subject of decedents' estates, have unanimously instructed me to report said resolution back to the House, with a recommendation that the same be referred to the select committee upon the subject of decedents' estates.

Which was concurred in.

Mr. Moss, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the accompanying resolution, have had the same under advisement, and have directed me to report it back to the House, and move its reference to the committee of Ways and Means.

Which was concurred in.

Mr. Read, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the petition of William S. Ferrill and others in relation to the settlement of decedents' estates, have directed me to report the same back to the House, and recommend that the same be referred to the select committee appointed to revise that part of the statutes entitled, "an act to provide for the settlement of decedents' estates," to which committee it properly belongs.

Which was concurred in.

Mr. Pratt, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the petition of Paris C. Dunning and others, citizens of Monroe county, praying for the passage of a law declaring a portion of Clear Creek a public highway, and navigable stream, have had the same under consideration, and directed me to report it inexpedient to legislate upon the subject-matter of the petition.

In the opinion of the committee, the law passed by the last General Assembly, entitled "an act to authorize the boards doing county

business to declare water courses navigable," approved May 31, 1852, is sufficiently ample to meet the wants of the petitioners.

The committee, therefore, ask to be discharged from the further consideration of the subject.

Which was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Parker, chairman of the committee on Public Expenditures, made the following report:

**MR. SPEAKER:**

The committee on Public Expenditures, to whom was referred that part of the Governor's message which relates to increasing the compensation of his private secretary, having had the same under consideration, have directed me to report that his salary (which is now three hundred and fifty dollars) ought to be increased fifty dollars, so as to make his salary four hundred dollars per annum.

When,

On motion by Mr. McDonald of Lake,

The report was recommitted to the same committee, with instructions to report a bill.

On motion by Mr. McCormick,

Leave of absence was granted to the Doorkeeper, until Monday next at noon.

On motion by Mr. Johnson,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of repealing the law organizing State, district and county boards of equalization, and report by bill or otherwise.

On motion by Mr. Fleming,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the 18th section of the "act to establish courts of conciliation," approved June 11th, 1852, as to insert immediately preceding the word "technical," the words "law and."

Mr. McKee offered the following preamble and resolution:

**WHEREAS**, The practice of betting upon elections, is injurious to the morals of community, and is calculated to injure the purity of the elective franchise; therefore,

*Resolved*, That the committee on Elections be requested to inquire into the expediency of enacting a law, prohibiting the exercise of the elective franchise by any elector, who shall in any manner bet upon any election, authorized by the statutes of this State, and report by bill or otherwise;

Which was agreed to.

On motion by Mr. Henry,

*Resolved*, That the committee on the Organization of Courts of Justice, be instructed to inquire into the expediency of amending



"An act regulating the relation of master and apprentice," approved May 27, 1852, so that the master shall not compel the apprentice that is over sixteen years old, to perform any labor, other than that which properly belongs to the trade or profession, that such apprentice may have been bound to acquire, and report by bill or otherwise.

On motion by Mr. Fleming,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the better security of the lives and property of our citizens from accidents that so frequently occur upon railroads in this State, by holding to strict accountability those who have the management and control of these public conveyances, and report by bill or otherwise.

On motion by Mr. Read,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of providing by a general law, that three-fourths of the directors, and the president, or chief officers of all corporations heretofore and hereafter created by the Legislature of the State of Indiana, shall be resident citizens of said State, and that the principal office or place of business of said corporation shall be within the same, and report thereon at an early day, by bill or otherwise.

Mr. Seawright, in pursuance of previous notice, obtained leave and introduced

No. 9. A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of the interest on the public debt.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 8. A bill defining the number of hours to be a day's work in all contracts relating to labor;

Was read a second time.

Mr. Johnson moved to refer the bill to the committee on Agriculture;

When,

On motion by Mr. Seawright,

The reference was changed to the committee on the Rights and Privileges of the Inhabitants of this State.

No. 4. A joint resolution on the subject of Temperance;

Which was read a second time.

Mr. Graham moved to refer the bill to the committee on the Judiciary;

When,

On motion by Mr. Pratt,

The reference was changed to the committee on Temperance.

No. 5. A joint resolution in reference to the soldiers of the war of 1812, and their heirs.

Was read a second time;

When,

On motion by Mr. Seawright,

The joint resolution was referred to the committee on Military Affairs.

No. 6. A joint resolution in reference to obtaining permission of the State of Illinois to open the falls and straighten the channel of the Kankakee river above said falls;

Was read a second time and ordered to be engrossed.

#### HOUSE JOINT RESOLUTION ON THIRD READING.

No. 1. "A joint resolution to correct the abuse of the franking privilege,"

Was read a third time;

When,

On motion by Mr. Donelson,

The bill was referred to the committee on Federal Relations, with instructions that they report a joint resolution in better form.

The Speaker announced the following as the standing committee on Federal Relations:

Messrs. Donelson, Brown, McKinney, Lines, Hendricks, and Greene.

The Speaker laid before the House the following communication from the Auditor of State, in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Jan. 15, 1853. }

TO THE HONORABLE,

*Speaker of the House of Representatives:*

SIR:—I have received the following resolution of the House, to-wit:

*Resolved*, "That the Auditor of State be, and is hereby requested to report to this House, at as early a day as possible, whether the duties required to be performed by the Auditor of State by the act entitled 'an act to authorize and regulate the business of general banking,' approved May 28, 1852, in any way comes in conflict with the other regular duties of his office, and whether he can conveniently perform the duties aforesaid without injury or loss to the ordinary business of his office."

The ordinary duties of the office of Auditor of State are more laborious and responsible than those of any other office in the State government. If that officer discharges them properly, his whole time will be occupied with matters that require his personal attention,

and which ought not, under any pretext whatever, to be confided to a clerk or deputy.

The office, heretofore, has been regarded as a common receptacle to which the Legislature has transferred all the duties and labor of the Executive department, which seemed more appropriate there than elsewhere.

The new school law adds largely to these duties and responsibilities. The new revenue law makes increased exactions upon his time. The swamp land acts will add largely to his labors, and to the emoluments of the office.

Under these circumstances, I have no hesitation in stating that the public interest demands a separation of the free banking business from the office of the Auditor, and that he cannot properly discharge the duties of both.

E. W. H. ELLIS, *Auditor of State.*

Which,

On motion by Mr. Dufour,

Was referred to the committee on Banks.

The Speaker laid before the House the following communication from the Auditor of State, in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Jan. 15, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—I have been furnished with the following resolution of the House, to-wit:

WHEREAS, It is believed that certain associations doing business under an act entitled, "an act to authorize the business of general banking," approved May 28, 1852, have not complied with the provisions of said act; therefore, be it

*Resolved*, That the Auditor of State be directed to inform this House at the earliest day practicable, whether each association doing business under said act has established an office of discount and deposit as contemplated by article 2, of section 18; and also, whether such associations have each made a semi-annual report as required by the 27th section of said act.

In answer thereto I have the honor to submit the following statement:

The following banks are doing a local legitimate business, to-wit:

The Bank of Connersville, at Connersville; State Stock Bank of Indiana, at Peru; The Indiana Stock Bank, at Laporte; The Wabash Valley Bank, at Logansport; The Gramercy Bank, at Lafayette; The Prairie City Bank, at Terre Haute.

These banks have an aggregate capital of one million three hundred thousand dollars.

The notes of the following banks are taken principally to New York and there put in circulation, to-wit:

The State Stock Bank, at Logansport; The Plymouth Bank, at Plymouth; The Government Stock Bank, at Lafayette; The Public Stock Bank, at Newport; The Bank of North America, at Newport.

The aggregate capital of these banks is three hundred and sixty-five thousand dollars. These also have agencies at the localities named for the redemption of their notes.

No notes have been issued to any other institution.

The semi-annual reports are now being received and an abstract thereof will in a short time be laid before the House.

Respectfully,

E. W. H. ELLIS.

*Auditor of State.*

When,

On motion by Mr. Pratt,

The communication was laid on the table and two hundred copies ordered to be printed.

On motion by Mr. Underwood,

The House adjourned to meet Monday morning at 9 o'clock.

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MONDAY MORNING, 9 o'clock, }  
January 17, 1853. }

House met pursuant to adjournment.

The Journal of Saturday was read and adopted.

PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Pratt:

Two memorials from sundry citizens of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was referred to the committee on Temperance.

By Mr. Taber:

A petition from sundry citizens of Morgan county, praying the passage of a law, amending or modifying the probate law of last winter.

Which was referred to the committee on the Judiciary.

On motion by Mr. Walker of Laporte,  
Leave of absence was granted to Mr. Orr until to-morrow morning.

#### REPORTS FROM COMMITTEES.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the accompanying resolution, have had the same under consideration, and have directed me to report it back to the House, and move its reference to the select committee to whom was referred an act in reference to the settlement of decedents' estates.

Which was concurred in.

Mr. Read, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred a resolution, instructing them to inquire if a seat in the General Assembly of this State be an office, have had the same under consideration and directed me to report that it is an office.

Respectfully submitted.

Which was concurred in.

Mr. Parker, chairman of the committee on Public Expenditures, made the following report:

MR. SPEAKER:

The committee on Public Expenditures, to whom was referred that portion of the Governor's message which recommends the salary of his private secretary to be increased, have had the same under consideration, and have directed me to report No. 10, a bill to provide a salary for the Governor's private secretary.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS.

On motion by Mr. Pratt,

1. *Resolved*, That the members of this House be required hereafter, in presenting petitions on the subject of Temperance, to indorse thereon the county or counties from which the same are sent, the number of the signers thereto, and what number of the signers are in their opinion qualified voters of this State.

2. *Resolved further*, That where petitions have heretofore been presented and referred, the members presenting the same be required to make similar indorsements thereon.

3. *Resolved*, That the committee on Temperance be instructed to prepare and keep a register in which a brief abstract shall be entered made up from such indorsements, showing the number of petitions on the subject of temperance emanating from the several counties, the number of signers thereto, and the probable number of legal voters signing such petitions.

On motion by Mr. Dunlavey,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of so amending the 20th section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18th, 1852, that instead of requiring a majority of the qualified voters of any township to petition the trustees to levy a road tax, that it shall require a majority of the votes cast at the April election, and that they report by bill or otherwise.

On motion by Mr. Durham,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the present law of descents, and enacting the old law on the subject, or something similar thereto, and report by bill or otherwise.

On motion by Mr. Johnson,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of repealing so much of the act to provide for a general and uniform system of common schools as requires the board of trustees of each civil township to cause to be prepared a map of their township on which shall be marked annually the residence of the scholars in each township, and report by bill or otherwise.

On motion by Mr. Price,

*Resolved*, That the committee on the organization of courts of justice, be directed to report as soon as possible upon the bill referred to them on Friday, changing and fixing permanently the times of holding the circuits in the fifth judicial circuit.

Mr. Dyer offered the following resolution:

*Resolved*, That so much of the fourth section of an act entitled "An act to provide for a general and uniform system of school libraries and matters properly connected therewith, as reads as follows, to-wit: "each civil township" be repealed, and insert instead thereof, "each congressional township."

Which was disagreed to.

On motion by Mr. Taber,

*Resolved*, That the judiciary committee be required to inquire into the utility and expediency of an act entitled, "An act establishing a court of common pleas," approved May the 14th, 1852, and report by bill or otherwise.

On motion by Mr. Farnsley,

*Resolved*, That the members of this House most respectfully invite the Superintendent of the Asylum for the education of the Deaf and Dumb, and also the Superintendent of the Asylum for the education of the Blind, to hold an exhibition of the proficiency of the pupils under their respective charges, for the information of the members of the present General Assembly, on such evenings as each of them may select.

On motion by Mr. Shelby,

*Resolved*, That the committee on corporations be instructed to inquire and report, whether the eighth section of "an act to authorize and regulate the business of general banking in Indiana," which allows the makers of bills, made pursuant to said law, thirty days after notice from the State Auditor, without forfeiting their charter, to pay the same, does not conflict with the seventh section of the eleventh article of the Constitution of this State, which says' that "no law shall be passed sanctioning directly or indirectly the suspension by any bank or banking company, of specie payments.

On motion by Mr. Moss,

*Resolved*, That the report of the Trustees of the Asylum for educating the Deaf and Dumb, be taken from the table and referred to the committee on benevolent and scientific institutions, with instructions to report a bill providing for the payment of the present indebtedness of said institution.

On motion by Mr. Shoemaker,

*Resolved*, That the committee on roads be requested to inquire into the expediency of so amending the exemption laws, that no exemption shall be allowed on debts and judgments for failing to work on public highways, and report by bill or otherwise.

On motion by Mr. Shelby,

*Resolved*, That the Governor be requested to inform this House how, and in what manner, the office of Agent of State can be dispensed with without injury to the interest of the State.

The Speaker laid before the House the following communication from the Auditor of State with the accompanying report:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, January 15, 1852. }

HON. OLIVER B. TORBET,

*Speaker of the House of Representatives:*

SIR:—Please lay before the House the annual report from this office, and oblige,

Very respectfully,  
E. W. H. ELLIS, *Auditor of State.*

Which,

On motion,  
Was laid on the table.

On motion by Mr. Turpie,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether there is any provision by law for the election of civil township trustees; and if there be no such provision, that they report a bill for that purpose.

Mr. Johnson moved that one thousand copies of the report of the Auditor of State be printed for the use of this House.

When Mr. Henry moved to amend, by inserting five hundred additional copies;

Which was agreed to.

#### JOINT RESOLUTIONS INTRODUCED.

Mr. Underwood obtained leave and introduced

No. 7. "A joint resolution asking a grant of lands to aid in the support of the Indiana Asylums for the Insane, Blind, and Deaf and Dumb."

Which was read a first time, and passed to a second reading.

Mr. Clark obtained leave and introduced

No. 8. "A joint resolution to instruct our Senators and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers."

Which was read a first time, and passed to a second reading.

Mr. Shuman obtained leave and introduced

No. 9. "A joint resolution relative to constructive mileage;"

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Pratt obtained leave and introduced

No. 11. A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name;

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Clark obtained leave and introduced

No. 12. A bill to legalize certain State, Wabash and Erie canal certificates;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bill on second reading.*

No. 9. A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of the interest on the Public Debt;

Was read a second time and ordered to be engrossed.



## HOUSE JOINT RESOLUTION ON THIRD READING.

No. 6. A joint resolution in reference to obtaining permission of the State of Illinois to open the falls, and straightening the channel of the Kankakee river, above said falls,

Was read a third time.

And the question being, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Greene, Hammond, Handy, Hartley, Henry, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryon, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Freeland and Graham—2.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Gentry moved to reconsider the vote by which the House ordered 1500 copies of the report of the Auditor of State to be printed.

And the question being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Seawright.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Brown, Buell, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Gentry, Gootee, Hammond, Handy, Henry, Henton, Howell, Jones of Boone, Lasselle, Lewis, Lowe, Maxfield, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Price, Read, Seawright, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Work, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Burnett, Donald, Dyer, Ferris, Freeland, Goodman, Graham, Greene, Hartley, Hooper, Hunt, Jennings, Johnson, Jones of Ripley, Laird, Lemmon, Martin, McCormick, McClure, McKinney, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryon, Service, Shelby, Shoemaker, Shuman, Simpson, Taber, Walker of Rush, and Wilson—35.

So the vote was reconsidered.

The question then recurring on the original proposition to print 1500 copies,

Mr. McDonald of Lake moved to amend by printing 5,000, instead of 1500.

Mr. Steele moved to further amend by printing 3,000 instead of 5,000.

And the question being put on Mr. McDonald's amendment,

The ayes and noes were demanded by Messrs. McDonald of Lake and Pratt.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Brown, Buell, Catlin, Clark, Cooper, Dodd, Donelson, Dufour, Emery, Farnsley, Gentry, Henry, Howell, Lassel, Lowe, Maxfield, McDonald of Lake, McDonnall of Sullivan, Milroy, Moss, Price, Read, Richardson, Rockafellar, Shelby, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Thomas, Underwood, Walker of Laporte, Work and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bundy, Burnett, Donald, Druley, Dunlavey, Durham, Dyer, Ferris, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Handy, Hartley, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Martin, McCormick, McClure, McKinney, Parker, Peckenpaugh, Pratt, Ryon, Seawright, Service, Shoemaker, Shuman, Steele, Taber, Turpie, Walker of Rush and Wilson—45.

So the amendment was not adopted.

The question then recurring on Mr. Steele's amendment to print three thousand copies.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Gentry.

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Buell, Catlin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnslø, Ferguson, Gentry, Goodman, Gootee, Hammond, Handy, Henry, Henton, Howell, Jones of Boone, Lasselle, Lemmon, Lewis, Lowe, Martin, McCormick, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Peckenpaugh, Price, Read, Richardson, Rockafellar, Service, Shelby, Simpson, Spencer, Stackhouse, Stegle, Stephens, Stackwell, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Brecount, Burnett, Ferris, Freeland, Graham, Greene, Hartley, Hooper, Hunt, Jennings, Johnson, Jones of Ripley, Laird, Maxfield, McClure, McDonald of Lake, Moss, Pratt, Ryan, Seawright, Shoemaker, Shuman, Taber, Walker of Rush, and Work—25.

So the amendment was adopted, and the motion as amended was agreed to.

By unanimous consent, Mr. Walker of Laporte obtained leave and offered the following resolution :

*Resolved,* That two thousand copies of the Auditor's report be printed in the German Language.

Mr. McDonald of Lake moved to lay the resolution on the table.

And the question being put ;

The ayes and noes were demanded by Messrs. Graham and Richardson.

*Those who voted in the affirmative were,*

Messrs. Donelson, Durham, Ferris, Ferguson, Gootee, Jennings, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, and Milroy—11.

*Those who voted in the negative were,*

Messrs. Able, Brothwell, Brown, Buell, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Freeland, Gentry, Goodman, Graham, Hammond, Handy, Hartley, Henry, Henton, Hooper, Howell, Hunt, Johnson, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lowe, McCormick, McClure, McKee, McKinney, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker,

Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker--68.

So the resolution was not laid on the table.

Mr. Henton moved to amend the resolution by striking out "2000" and inserting in lieu thereof "1000."

Which was disagreed to.

Mr. Martin moved to lay the resolution on the table.

And the question being put;

The ayes and noes were demanded by Messrs. Work and Dufour.

*Those who voted in the affirmative were,*

Messrs. Ferris, Gootee, Greene, Hartley, Henton, Jennings, Lewis, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, Milroy, Peckenpaugh, Seawright, Shelby, and Steele—16.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Freeland, Gentry, Goodman, Graham, Hammond, Handy, Henry, Hooper, Howell, Hunt, Johnson, Jones of Ripley, Laird, Lasselle, Lemmon, Lowe, McCormick, McClure, McKee, McKinney, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—65.

So the resolution was not laid on the table.

The question then recurring on the adoption of the original resolution.

And the question being put;

The ayes and noes were demanded by Messrs. Work and Henry.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Freeland, Gentry, Goodman, Graham, Hammond, Handy, Henry, Hooper, Howell, Hunt, Jones of Ripley, Laird, Lasselle, Lemmon, Lowe, McCormick, McClure, McDonnall of Sullivan, McKee, Milroy, Parker, Pratt, Price, Read, Richardson, Rockafellar, Seawright, Service, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Thomas, Underwood, Walker of Laporte, Wilson, and Work—59.

*Those who voted in the negative were,*

Messrs. Druley, Ferris, Gootee, Greene, Hartley, Henton, Jennings, Johnson, Jones of Boone, Lewis, Martin, Maxfield, McDonald of Lake, McKinney, Peckenpaugh, Shelby, Shoemaker, Shuman, Steele, Taber, Walker of Rush, and Mr. Speaker—22.

So the resolution was agreed to.

Mr. Stockwell moved that two thousand additional copies of the report be ordered to be printed in the English language ;

Which was disagreed to.

On motion by Mr. Gootee,  
The House adjourned.

2 o'clock, P. M.

House met.

By unanimous consent,

Mr. Thomas obtained leave and offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to report to this House how many of the Governor's annual messages in English have been received from the State Printer, and how many received published in the German language, and the number furnished to each member.

Which was agreed to.

By unanimous consent,

Mr. Steele obtained leave and offered the following resolution :

*Resolved*, That the committee on Agriculture inquire into the expediency of so amending the agricultural law that each organized society shall be entitled to draw fifty dollars from the treasury, instead of drawing the money received from menageries, circuses, theatrical performances, and other shows.

Which was agreed to.

By unanimous consent,

Mr. Laird obtained leave and offered the following resolution :

*Resolved*, That the Auditor of State be requested to report to this House the names of all the clerks and assistant clerks of the last General Assembly, together with the number of days each of said clerks and assistants clerks were employed, making a separate list of those in the Senate and those in the House of Representatives, and the amount allowed to each of them ; also, whether the accounts of any clerks or assistant clerks of the last General Assembly has not been presented and audited. If so, the reasons why they have not been audited.

When,

On motion by Mr. Dufour,  
The resolution was laid on the table.

By unanimous consent,

Mr. Torbet obtained leave and offered the following resolution :

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to report a bill providing for the establishment of a house of refuge for the correction and reformation of juvenile offenders.

Which was agreed to.

By unanimous consent,

Mr. McClure obtained leave and offered the following resolution :

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the financial condition of the Asylums for the Insane and for the Blind.

Which was agreed to.

By unanimous consent,

Mr. Moss obtained leave and offered the following resolution :

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the propriety of providing by law for the erection of workshops for the use of the Asylum for educating the Deaf and Dumb, and also for rough casting the buildings already erected for said institution, and to report by bill or otherwise.

Which was agreed to.

Mr. Gentry moved that the House adjourn.

Which motion did not prevail.

By unanimous consent, Mr. Dufour obtained leave, and offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of amending the 94th section of an act entitled, "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c.," so as not to require the county treasurer to attend in each township before the first of March, and that county treasurers may select their own places for meeting the tax payers of each township, and report by bill or otherwise.

Which was disagreed to.

By unanimous consent, Mr. Seawright obtained leave and offered the following resolution :

*Resolved*, That no member of this House shall have leave of absence longer than two days during the present session unless in case of sickness of self or families.

Mr. Work moved to amend the resolution by striking out the word "two" and insert "six" in lieu thereof.

Mr. Hamrick moved to refer the resolution and pending amendment to the committee on the Judiciary, when

On motion by Mr. Maxfield,

The resolution and amendment were laid on the table.

By unanimous consent Mr. Walker of Laporte, obtained leave and introduced,

No. 13. A bill relative to Notaries Public;

Which was read a first time and passed to a second reading.

By unanimous consent, Mr. Dufour chairman of the committee on the Rights and Privileges of the Inhabitants of the State, obtained leave and made the following report:

MR. SPEAKER:

The committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred the resolution of the committee of the whole House, upon the recommendation of the Governor, that drunkenness be made an offence punishable by law, have had the same under consideration, and have directed me to report the same back with the recommendation that it be referred to the committee on Temperance.

Which was concurred in.

By unanimous consent of the House, Mr. Underwood obtained leave, and offered the following resolution:

*Resolved*, That the committee on the Judiciary be requested to report a bill by which minors, male and female not of kin, may be adopted as heirs at law.

Which was disagreed to.

When,

On motion by Mr. Moss,  
The House adjourned.

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TUESDAY MORNING, 9 o'clock, }  
January 18th, 1853. }

House met pursuant to adjournment.

On motion by Mr. McDonald of Lake,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Clark, Donald, Druley, Dunlavey, Emery, Farnsley, Ferris, Fleming, Freeland, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Las-

selle, Lines, Lowe, Martin, McCormick, McClure, McDonald of Lake, McKinney, Milroy, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, and Mr. Speaker—67.

On motion by Mr. Seawright,

A further call of the House was suspended.

The Journal of yesterday was then read and adopted.

The Speaker announced the following as the joint standing committee on Enrolled Bills, viz:

Messrs. Chapin and Hooper.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Lines:

A petition from one hundred and twenty citizens of Wabash county, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage;

Which was referred to the committee on Temperance.

By Mr. Hicks:

A petition from 480 citizens from the counties of Johnson, Shelby, and Bartholomew, of whom 368 are supposed to be voters and 112 women, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage;

Which was referred to the committee on Temperance.

By Mr. Shelby:

A petition from fifty-one ladies of the State of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was referred to the committee on Temperance.

By Mr. Bundy:

A petition from twenty-four citizens of the State of Indiana, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage;

Which was referred to the committee on Temperance.

By Mr. Work:

A petition from sundry citizens of Dekalb county, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage;

Which was referred to the committee on Temperance.

By Mr. Stockwell:

A petition from sundry citizens of Vanderburgh county, praying the admission of the wife of Henry Jackson (a colored man) into the Insane Asylum.

Which was referred to the committee on Benevolent and Scientific Institutions.



By Mr. McKee:

A petition from sundry citizens of the state of Indiana, praying the passage of a law, prohibiting the manufacture and sale of ardent spirits as a beverage.

Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Seawright, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means to whom was referred the petition of sundry citizens of Clinton county, praying for the passage of a law, exempting from taxation "the provisions necessary for each family for each financial year," have had the same under consideration, and have directed me to report the same back, and recommend that the same be referred to the committee on the judiciary, with instructions to such committee to inquire whether the prayer of said petition is not in conflict with the 1st section of the 10th article of the Constitution.

Which was concurred in.

Mr. Farnsley, chairman of the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred joint resolution of the House, No. 3, relative to granting lands to actual settlers, have had the same under consideration, and have directed me to report the following amendment, and recommend its passage: add after the words surveying and patenting the same:

"That nothing shall be so construed as to prevent any person from entering the said public lands in any quantity at government prices."

Which was concurred in.

The joint resolution was then read a third time.

And the the question being,

Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Clark, Dodd, Donald, Donelson, Druley,

Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker--86.

*Those who voted in the negative were,*

Messrs. Hendricks, Jennings, Laird, Maxfield, McDonald of Lake, and Price—6.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### RESOLUTIONS.

On motion by Mr. Scott,

*Resolved*, That the committee on the subject of decedents' estates be instructed to inquire into the expediency of so changing the 105th section of the act for the settlement of decedents' estates, which authorizes the loaning of money belonging to estates—that the same shall have provisions to the following effect. That whenever any executor or administrator by his report to the court of common pleas, shall show that there is in his hands the sum of fifty dollars or more, over and above the amount which may be necessary for the payment of all claims allowed by said court; and over and above all claims pending in said court at the time of the making of such report, and above all claims which by the terms thereof may be due in one year, or less than one year, and above all expenses of administration due at that time, and above all claims which said executor or administrator is at liberty to pay without the consent of said court; that in such case the said executors or administrators shall, in the discretion of such court, be authorized to loan said money for a term of not less than three nor more than twelve months upon freehold security alone; that the said executor or administrator shall take of the person applying for the loan of said money a mortgage containing a power to such executor or administrator to sell such land so mortgaged upon a reasonable notice for the principal and interest of said loan, together with the costs of such proceedings, if default be made in the conditions of said mortgage.

Also, that the persons applying for such loan shall take and sub-

scribe an oath before some competent officer, that the said lands offered as such security, are clear and free from all incumbrances.

Also, that such person applying for said loan, shall produce to such executor or administrator an abstract of the title of the land so proposed as security, and a statement signed by the auditor of the county where the lands are situated, showing the last assessed value of such lands for taxation.

Also, that such executor or administrator shall not loan such money at a greater proportion than to one-half the last assessed value of such land. The said executor or administrator, shall at the next term of such court, report to such court his proceedings in the premises, together with the said abstract, oath, statement of auditor and mortgage; all of which papers to be filed with the papers of the estate to which such money belonged. Also, that a copy of such mortgage shall be sufficient proof in all cases, when attested by the seal of such court, with leave to report by bill or otherwise.

On motion by Mr. Underwood,

*Resolved*, That the committee on Benevolent and Scientific Institutions be authorized to take from the files, bill No. 282, of the session of 1851 and 1852.

On motion by Mr. Price,

*Resolved*, That the Auditor of State be, and he is hereby directed to report to this House, at his earliest convenience, an estimate of the amount of the perquisites of his office for the next two years.

On motion by Mr. Emery,

*Resolved*, That the committee on roads and highways be instructed to inquire into the expediency of so amending the 24th and the 31st sections, chapter 48, of the Revised Statutes of 1852, so that a proposed highway, when reported by viewers appointed for that purpose, to be of public utility, may be opened, notwithstanding the objections of the freeholders along said proposed highways.

On motion by Mr. Spencer,

*Resolved*, That the select committee to whom was referred the act providing for the settlement of decedents' estates, be instructed to inquire into the propriety of so amending said act as to allow foreign administrators to sell real estate, and report by bill or otherwise.

On motion by Mr. Johnson,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the law, providing for a general system of common schools, as to reduce the traveling, postage, stationery, and all other expenses of the Superintendent to a sum not exceeding two hundred dollars per annum; and also, to dispense with the clerk, at two dollars per day, as is allowed by section 74, and to repeal section 76 of said act, and report by bill or otherwise.

On motion by Mr. Shelby,

*Resolved*, That the State Superintendent be requested as soon as

possible to suggest to this House whatever changes or modifications in the present common school system of this State, would in his opinion be advantageous.

#### BILLS INTRODUCED.

Mr. Hicks obtained leave and introduced

No. 14. A bill to repeal section 1, of an act entitled an "act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852;

Which was read a first time and passed to a second reading.

Mr. Scott obtained leave and introduced

No. 15. A bill to authorize circuit judges to practice law in certain cases;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 10. A bill to provide a salary for the Governor's private secretary;

Was read a second time.

Mr. Graham moved to amend the bill by striking out "four hundred" as the salary, and insert in lieu thereof "three hundred and fifty."

When,

On motion by Mr. McDonald of Lake,

The bill and pending amendment were laid on the table.

No. 11. A bill to authorize two or more Railroad Companies, to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name;

Was read a second time and ordered to be engrossed.

No. 12. "A bill to legalize certain State, Wabash and Erie canal certificates.

Was read a second time and ordered to be engrossed.

No. 13. A bill relative to notaries public.

Was read a second time.

When,

On motion by Mr. Graham,

The bill was referred to the committee on the judiciary.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 7. "A joint resolution asking a grant of lands, to aid in the

support of the Indiana Asylms for the Insane, Blind and Deaf and Dumb."

Which was read a second time.

When,

On motion by Mr. Donelson,

The bill was referred to the committee on Federal Relations.

No. 8. A joint resolution to instruct our Senators, and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers.

Was read a second time and ordered to be engrossed.

No. 9. A joint resolution relative to constructive mileage.

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 9. A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of the interest on the public debt.

Was read a third time, when

On motion by Mr. Chapin,

The bill was referred to the committee on Ways and Means with instructions, to report to this House the condition of the public debt, and amend by adding after the word "agent" the words "or representative."

On motion by Mr. Underwood,

Leave of absence was granted to the committee on Benevolent and Scientific Institutions for this afternoon.

By unanimous consent, Mr. Stockwell obtained leave and introduced,

No. 10. A joint resolution asking of Congress a grant of land to the State of Indiana to aid in the construction of a railroad leading from Evansville to Crawfordsville.

Which was read a first time, and passed to a second reading.

Mr. Buell moved to reconsider the vote, making House bill No. 1, the special order for Monday the 24th.

Which motion did not prevail.

By unanimous consent,

Mr. Hicks obtained leave, and offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in reference to jurisdiction of justices of the peace in criminal prosecutions, as to give justices of the peace, power to send for and compel persons to file their affidavits against offenders, when such justices are satisfied that the criminal code has been violated, and report by bill or otherwise.

By unanimous consent,

Mr. Henry obtained leave and offered the following resolution:

*Resolved*, That the committee on Corporations be instructed to

inquire into the expediency of so amending the 38th section of an act to provide for the incorporation of railroad companies, so that the stockholders shall be held only liable for the debts of said company in proportion to their stock subscribed, and report by bill or otherwise.

On motion by Mr. Graham,  
The House adjourned until to-morrow at 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
January 19th, 1853. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Walker of Rush :

A petition from sundry citizens of the State of Indiana, on the subject of temperance ;

Which was referred to the committee on Temperance.

By Mr. Jennings :

A memorial from seventy-eight citizens of Kosciusko county, of which number thirty are supposed to be voters, the balance not voters, on the subject of temperance.

Which was referred to the committee on Temperance.

By Mr. Lines :

A petition from sixteen voters of Wabash county, on the subject of temperance.

Which was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Struble, chairman of the committee on Elections, made the following report :

MR. SPEAKER :

The committee on Elections, to whom was referred resolution No. 3, instructing the committee to inquire into the propriety of enacting a law prohibiting the exercise of the elective franchise by any elector

who shall, in any manner, bet upon any election authorized by the State of Indiana, and report by bill or otherwise, have had the same under consideration, and have instructed me to make the following report: That, in the opinion of the committee, it is not a fit subject for legislation, and ask to be discharged from the further consideration of the same.

The question being on concurring in the report;

And the question being put,

The ayes and noes were demanded by Messrs. Ferris and Lowe.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Clark, Donald, Donelson, Durham, Emery, Fleming, Freeland, Gootee, Hammond, Handy, Hartley, Hendricks, Henry, Henton, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lines, Manville, McClure, McDonnall of Sullivan, McKinney, Milroy, Moss, Parker, Pratt, Read, Rockafeller, Service, Shuman, Simpson, Stackhouse, Stephens, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Burnett, Dodd, Druley, Dunlavey, Dyer, Farnsley, Ferris, Gentry, Goodman, Graham, Greene, Hamrick, Harris, Hicks, Hooper, Jennings, Jones of Ripley, Lowe, Martin, Maxfield, McCormick, McDonald of Lake, McKee, Orr, Peckenpaugh, Price, Richardson, Ryan, Seawright, Shelby, Shoemaker, Spencer, Steele, Stockwell, Thomas, Walker of Rush, Work, and Yount—38.

So the report was concurred in.

The Speaker laid before the House the following communication from the Superintendent of Public Instruction, with the accompanying report.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
Indianapolis, Jan. 19, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—For an answer, in part, to the requisition of the House of Representatives, to suggest to them whatever changes or modifications in the present common school system of this State would be, in my opinion, advantageous, I have the honor to lay upon the table of each member, a copy of my first annual report. I will furnish an answer more specific, as soon as possible.

Respectfully,

W. C. LARRABEE.

When,

On motion,

The report was laid on the table.

The Speaker laid before the House the following communication and the accompanying report from the Superintendent of the Blind Asylum.

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, Jan. 18, 1853. }

*Speaker of the House of Representatives:*

DEAR SIR:—I am authorized to transmit to you the accompanying document, being the sixth annual report of the Trustees of the State Institute for the Blind, on the condition and progress of their charge.

Very respectfully,

W. H. CHURCHMAN, *Sup't. I. I. B.*

When,

On motion,

The report was laid on the table.

The Speaker laid before the House the following communication from the Superintendent of the Asylum for the Blind, in answer to a resolution of the House.

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, Jan. 18, 1853. }

*Speaker of the House of Representatives:*

DR. SIR:—A resolution adopted by the House of Representatives, requesting an exhibition of the attainments of our pupils to be made before the General Assembly, was transmitted to me a day or two since.

In reply allow me to say that it will give us great pleasure to comply with the wishes of the members: but it will be impracticable for us to do so before the lapse of several weeks as the re-assembling of our pupils after the ordinary vacation has been unavoidably delayed by our inability to get the main building of the Institute ready for occupancy prior to this time.

We hope, however to enter it by the first of next month, and so soon after that as we can reorganize our school, the desired exhibition will be given.

Yours, very respectfully,

W. H. CHURCHMAN, *Sup't. I. I. B.*

Which was laid on the table.

Mr. Manville from the committee on Ways and Means made the following report:



**MR. SPEAKER:**

The committee on Ways and Means to whom was referred a resolution of the house, instructing such committee to inquire into the expediency of so changing the assessment laws as to require each property holder, to return a list of all personal property liable to assessment owned by him or her to the assessor at the annual Spring election in each year, and report by bill or otherwise, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Stockwell from the committee on Ways and Means made the following report :

**MR. SPEAKER:**

The committee on Ways and Means to whom was referred two resolutions of the house, instructing them to inquire into the expediency of "so changing our assessment laws that property shall be assessed according to the amount on hand on the first day of March in place of the first day of January, as the law now is," have had the same under consideration, and have directed me to report that it would be inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Buell, chairman of the committee on Ways and Means, made the following report.

**MR. SPEAKER:**

The committee on Ways and Means to whom was referred "so much of the Governor's message as relates to the increase of pay of private secretary, be referred to the committee on Ways and Means," have had the same under consideration, and have directed me to report the same back and ask to be discharged from the further consideration of the subject, as a bill has been reported on the same subject from the committee on Public Expenditures.

Which was concurred in.

Mr. Pratt from the committee on the Judiciary made the following report.

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred resolution No. 31 of the house, instructing them to inquire into the expediency of amending section 169 of the act relating to the settlement of de-

cents' estates, have directed me to report the same back to the house with a recommendation that it be referred to the select committee having charge of that particular subject.

Which was concurred in.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, who were instructed to inquire whether there is not a conflict between the act of Congress and the act of the Legislature of this State, on the subject of casting the electoral vote of this State for President and Vice President, and if there is, to report a bill amending the State law, have had the same under consideration, and direct me to report:

That the 2d section of the act of Congress, entitled "an act relative to the election of President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President," approved March 1st, 1792, provides that the electors shall meet and give their votes on the first Wednesday of December, at such place in each State as shall be directed by the Legislature thereof. That the 9th section of an act of the Legislature of the State of Indiana, entitled "an act to provide for the electing of electors for President and Vice President of the United States," approved May 20th, 1852, provides, among other things, that such electors shall assemble in the chamber of the House of Representatives, on the first Monday of December, or such other day as may be fixed by Congress, for the purpose of casting the electoral vote of the State.

There is, therefore, a conflict between the two acts, as to the day of the meeting of the electors; and, in the opinion of the committee, the act of the State Legislature is void, in so far as it conflicts with the act of Congress. The committee, therefore, recommend that said 9th section of the act of the State Legislature be so amended as to conform with the act of Congress, and to that end, agreeably to their instructions, report the accompanying bill.

No. 16. "A bill to amend the 9th section of an act entitled 'an act to provide for electing electors for President and Vice President of the United States, approved May 20, 1852,' changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State."

Which was read a first time and passed to a second reading.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred resolution No. 23,

of this House, have had the same under consideration, and have instructed me to report

No. 17. "A bill relative to the lien of feeders of cattle," &c.

Which was read a first time and passed to a second reading.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred a resolution requiring them to inquire into the expediency of abolishing the grand jury system, have had the same under consideration, and have directed me to report that they are unanimously of opinion said system should not be abolished.

Which was concurred in:

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred the following resolution of the House, to-wit:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether there is not a want of uniformity in the laws passed by the last General Assembly in respect to the mode in which contracts of individuals are evidenced; whether by those laws seals are not in some cases required, and in other cases dispensed with; and whether it is not practicable and wise to dispense with the use of seals in all cases of contracts between individuals, and to abolish entirely in such contracts the distinction between sealed and unsealed instruments.

Beg leave to report, that they find the want of uniformity pointed out in the foregoing resolution to exist, and in their opinion to exist without a cause. They find that the use of private seals is retained, in the revision of the last General Assembly, in the conveyances of real estate, or of any interest therein, and in all cases where any statute of this State expressly require "a seal to a deed or other instrument," while the general purpose to abolish the necessity of private seals is quite evident in some sweeping provisions of the revision. The committee are unable to perceive a single argument for retaining upon our Statute Book, any longer, the distinction between sealed and unsealed instruments, in contracts not requiring the authentication of an official seal, and concur in the recommendation that this badge of servitude to the past, should be obliterated from our legislation. The committee report, No. 18; a bill to repeal section 276, article 14, of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the

courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852; "and to dispense with the use of seals in conveyances of lands, or of any interest therein, and to define the meaning of all terms importing a seal in contracts obligatory upon individuals, where the same occur in laws now in force or hereafter to be in force;"

Which was read a first time, and passed to a second reading.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee to whom was referred resolution No. 21, of this House, in reference to the amendment of section 66, article 3, of the act in relation to decedents' estates, have had the same under consideration, and have instructed me to report the same back to the House, with a recommendation, that it be referred to the select committee heretofore appointed upon that subject;

Which was concurred in.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred resolution No. 37, instructing them to inquire into the expediency of amending the law for the collection of debts, so as to give justices of the peace jurisdiction to any amount not exceeding three hundred dollars, and also to make executions returnable within sixty days from their issue, have had the same under consideration, and have instructed me to report, that in their opinion, it would be inexpedient to legislate at this time on the subjects contained in said resolution: the committee therefore ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Hendricks from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred the petition of J. T. Morris, praying a change of his name from Morris to Thomas, have had the same under consideration, and direct me to report, that in the opinion of the committee, the Legislature has no power under the constitution, to grant the prayer of the petitioner; that section 22, article 4, of the constitution prohibits it. The committee therefore recommend that the petition be laid upon the table.

Which was concurred in.

Mr. Gentry, chairman of the committee on Military Affairs, made the following report:

MR. SPEAKER:

The committee on Military Affairs to whom was referred House joint resolution No. 5, entitled "A joint resolution in reference to the soldiers of the war of 1812, and their heirs," have had the same under consideration, and have instructed me to report it back with the accompanying amendment, after the adoption of which they respectfully recommend the passage of the joint resolution.

Strike out from the resolving clause and insert the following:

"That our Senators in Congress be instructed and our Representatives be requested, to use their exertions and influence to procure if possible such a change in the bounty land law, passed by Congress on the 28th of September, A. D., 1850, as will entitle the lineal heirs of a deceased soldier, entitled to land under said act to the same quantity of land, as the deceased would be entitled to if living, without reference to the age of such lineal heirs."

"That the Governor be requested to transmit a copy of this joint resolution to said Senators and Representatives."

Which was concurred in.

The joint resolution was then read a third time.

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—98.

No person voting in the negative.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Ryan from the committee on Roads made the following report:

MR. SPEAKER :

The committee on roads have considered a resolution instructing said committee "to take into consideration the propriety of a uniform law establishing public highways and vacating the same when such highways depend upon the contingency of travel for their legal existence," and have directed me to report the same back with the accompanying bill, which bill they recommend to be passed.

No. 19. A bill to amend the 43d and 45th sections of "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

Mr. Ryan from the committee on roads made the following report:

MR. SPEAKER :

The committee on roads to whom was referred a resolution which reads as follows: "That so much of the Governor's message as relates to the frequent loss of human life on our railroads and other thoroughfares," have had the same under consideration and directed me to report it back and move its reference to the committee on corporations.

Which was concurred in.

Mr. Parker chairman of the committee on public expenditures, made the following report:

MR. SPEAKER :

The committee on public expenditures to whom was referred resolution No. 19, in respect to allowing the doorkeeper a stated salary, have had the same under consideration, and have directed me to report that said committee consider it inexpedient to legislate on the subject, and asked to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Bridges, chairman of the committee on manufactures and commerce, made the following report:

MR. SPEAKER :

The committee on manufactures and commerce to which was referred the "joint resolution No. 2, to encourage home manufactures instructing our Senators and requesting our Representatives to use their influence to so amend the revenue laws as to prohibit the importation of all intoxicating liquors, and that his excellency the Governor forward to them a copy of this resolution," have had the

same under consideration, and have instructed me to make the following report: that in the opinion of the committee, the encouragement referred to in said resolution is entirely unnecessary, and they ask to be discharged from further consideration of the subject, and that the resolution be referred to the committee on temperance.

Which was concurred in,

And the joint resolution so referred.

#### RESOLUTIONS.

On motion by Mr. Steele,

*Resolved*, That the committee on Agriculture inquire into the expediency of so amending that law, that it shall be the duty of the assessors in each county to take down the number of the live stock in their respective counties when making their annual assessments.

Mr. Fleming offered the following resolution:

*Resolved*, That ten thousand copies of the report of the Superintendent of Public Instruction, be printed in the English language, and two thousand in the German, for the use of the members of this House, to enable them to distribute the same among their constituents.

Mr. Hicks moved to strike out "two thousand" and insert in lieu thereof one thousand;

Which was disagreed to.

Mr. Johnson moved to amend by striking out "ten thousand" and insert in lieu thereof three thousand.

When,

On motion by Mr. Pratt,

The resolution and pending amendments were laid on the table.

On motion by Mr. Jones of Ripley,

*Resolved*, That the committee on the Judiciary, at their earliest convenience, report a bill in accordance with the fourth section of article fourth of the constitution.

On motion of Mr. Orr,

*Resolved*, That the committee on the Judiciary inquire into the expediency, propriety, and justice of enacting a law, that all operators or work hands, who perform labor on any job for any individual or corporate company in this State, shall have a lien upon said individuals or corporated company's property, to insure the payment to said laborers for the labor which they perform for said individuals or companies, and report to this House by bill or otherwise.

Mr. Graham offered the following preamble and resolution:

**WHEREAS**, The committee on Ways and Means have deemed it necessary to employ a clerk, and there is not business before said committee to keep said clerk employed the greater part of the time. Therefore,

*Resolved*, That the clerk of said committee shall only receive pay for the time he is actually employed, with a majority of said committee in the duties of his office, and it is hereby made the duty of the chairman of said committee to keep an account of the time said clerk is so employed, and report the same to this House; and farther

*Resolved*, That the pay of the clerks of this, or any other of the standing committees of this House shall be two dollars per day, for the time they are engaged in the duties of their offices only, and the chairmen of the respective committees are hereby required to keep an exact account of said time, and report to this House at the close of the session.

Mr. Hicks moved to amend by striking out "two dollars" and inserting three dollars, in lieu thereof.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Dodd, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Hammond, Handy, Hendricks, Henry, Hicks, Howell, Hunt, Jones of Jennings, Jones of Ripley, Lasselle, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Service, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Work and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Ballard, Cooper, Donald, Donelson, Durham, Ferris, Ferguson, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hartley, Henton, Hooper, Jennings, Johnson, Jones of Boone, Laird, Lemmon, Lewis, Lines, Martin, Peckenpaugh, Pratt, Ryan, Shelby, Shoemaker, Steele, Taber, Wilson, and Yount—33.

So the amendment was agreed to.

Mr. Henry moved to lay the resolution, as amended, on the table;

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake, and Henry.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Buell, Catlin, Chapin, Cooper, Dodd, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Hartley, Hendricks, Henry, Henton, Howell, Jones of Boone, Lasselle, Lemmon, Lewis, Manville, McCormick, McDonald of Lake, McKin-



ney, Milroy, Moss, Orr, Parker, Price, Read, Seawright, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Underwood, Wilson, Work, Yount, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Clark, Donald, Donelson, Druley, Dyer, Ferris, Ferguson, Freeland, Goodman, Gootée, Graham, Greene, Hammond, Hamrick, Harris, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Boone, Laird, Lines, Lowe, Martin, Maxfield, McClure, McDonnall of Sullivan, McKee, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryan, Service, Shelby, Shoemaker, Shuman, Simpson, Steele, Struble, Taber, Thomas, Turpie, Walker of Laporte, and Walker of Rush—54.

So the resolution was not laid on the table.

Mr. McDonald of Lake, moved to amend the resolution as follows:

*And provided, also,* that the members of this House shall keep a correct account of his time, and charge only for the time spent in this House.

Which was not adopted.

Mr. Manville moved to refer the resolution to the committee on Public Expenditures.

Which motion did not prevail.

Mr. Orr moved to lay the resolution on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Orr and Graham.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Hammond, Handy, Hendricks, Henry, Henton, Howell, Jones of Boone, Lasselle, Lewis, Manville, McCormick, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Service, Spencer, Stephens, Sutton, Tanner, Underwood, Wilson, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Burnett, Clark, Donald, Donelson, Druley, Dyer, Ferris, Freeland, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hartley, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Martin, Maxfield, McClure, McDonnall of Sullivan, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stockwell, Struble, Taber, Thomas, Turpie, Walker of Laporte, Work, and Yount—55.

So the resolution was not laid on the table.

Mr. Manville moved to amend by striking out "chairman," and insert "clerk," (shall keep the amount of such time employed.)

Which was disagreed to.

Mr. McDonald of Lake moved to refer the resolution to the committee, on the affairs of the State Prison.

Which motion did not prevail.

Mr. Gentry moved to refer the resolution to the committee on the Rights and Privileges of the Inhabitants of the State.

Which was disagreed to.

Mr. Underwood moved to refer the resolution to the committee on Ways and Means.

Which was disagreed to.

Mr. Jones of Jennings moved to refer the resolution to the committee on Federal Relations.

Which was disagreed to.

The question then recurring on the adoption of the original resolution as amended.

And the question being put;

The ayes and noes were demanded by Messrs. Steele and Ferris.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brown, Burnett, Clark, Donald, Donelson, Dunlavey, Dyer, Ferris, Freeland, Goodman, Graham, Greene, Hamrick, Harris, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Martin, Maxfield, McClure, Moss, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryan, Service, Shelby, Shoemaker, Shuman, Simpson, Steele, Struble, Thomas, Turpie, Underwood, and Yount—48.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Bundy, Catlin, Chapin, Cooper, Dodd, Druley, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Hammond, Handy, Hartley, Hendricks, Henton, Henry, Howell, Lasselle, Lewis, Manville, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Price, Read, Seawright, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Taber, Tanner, Underwood, Wilson, Work, and Mr. Speaker—47.

So the resolution was adopted.

On motion by Mr. Hamrick,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the first section of an act entitled an act in relation to applying certain funds therein named

to the payment of the public debt so as to raise the annual levy from two to five cents with leave to report by bill or otherwise.

Mr. Hicks offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the execution law, as to make executions issued by justices returnable in forty days, and report by bill or otherwise.

Which was disagreed to.

On motion by Mr. Gootee,

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of so changing the laws as to suspend the privilege of creating any new banks for two years and report by bill or otherwise.

On motion by Mr. Jones of Jennings,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency and legality of taxing, for State and school purposes, the lands, and other property of the Trustees of the Wabash and Erie Canal, and report by bill or otherwise.

Mr. Lines offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to inquire into the propriety of reducing the fees of the members of the State Legislature, so that they shall receive as a compensation for their services as such, after they shall have been in session forty days, one dollar and fifty cents per day only, to take effect instantler, on the present session.

Which was disagreed to.

On motion by Mr. Sutton,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of the several county boards of this State, levying a road tax in their respective counties, if said board think it expedient so to do, and report by bill or otherwise.

On motion by Mr. Ryan,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of a general law, making it a fineable offense to ride or drive faster than a walk over any bridge, the dimensions of which would be fifty feet between piers or other supporters : and report by bill or otherwise.

By unanimous consent,

Mr. Chapin, chairman of the committee on Banks, made the following report :

**MR. SPEAKER :**

The committee on banks to whom was referred the report of the State Bank and her branches, beg leave to say that they have had the same under careful consideration, and find upon their face, the business of said bank and branches seem to have been conducted within the restrictions and limitations of the charter.

The branches at Terre Haute, Richmond and Indianapolis have failed to comply with the directory provision of the charter, requiring the offer annually for sale, of the real estate belonging to said bank and branches, other than such as may be required for banking purposes. But as the provision is directory merely, and inasmuch as no ultimate loss can result from a temporary failure to offer said real estate as aforesaid, your committee herewith return to the house said reports, and respectfully ask to be discharged from the further consideration of the subject.

Which was concurred in.

On motion by Mr. Lowe,

*Resolved*, That the committee on the Judiciary be requested to examine the law of 1852, with regard to crime and punishment and if said law do not properly define juvenile offenders or offences—that said committee be required to report a bill properly defining the same, in accordance with the constitution of the State.

On motion by Mr. Dodd,

*Resolved*, That the committee on education be and is hereby instructed to inquire into the propriety of so changing the present school law, as to allow a trustee for each district, and to authorize the taxing of such district for the purpose of building a school house, if one be needed.

Mr. Shuman moved that the house adjourn.

Which was disagreed to.

On motion by Mr. Stockwell,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency and necessity of reporting a bill to defray the expenses of transporting criminals from other States, who are fugitives from our laws when given up for trial or punishment on the requisition of the Governor of Indiana.

On motion by Mr. Turpie,

*Resolved*, That bills may hereafter be introduced into this house, either with or without previous notice of such introduction.

Mr. Parker offered the following resolution:

*Resolved*, That Mr. Turpie be excused from serving on the committee on temperance;

Which was disagreed to.

Mr. Hooper offered the following resolution:

*Resolved*, That the committee on Swamp Lands be requested to inquire into and report to this House, whether some provision ought not to be made by the State, to refund seventy-five cents per acre to those persons who have bought Swamp Lands at two dollars per acre; and whether any further legislation is necessary to perfect the title of the aforesaid purchases;

Which was disagreed to.

## HOUSE JOINT RESOLUTIONS INTRODUCED.

Mr. Milroy obtained leave and introduced

No. 11. A joint resolution asking Congress to pass a law, allowing the State of Indiana to tax all lands that may or have passed from the General Government, lying in said State, for school and other purposes;

Which was read a first time and passed to a second reading.

Mr. Richardson obtained leave and introduced

No. 12. A joint resolution asking Congress to pass a law authorizing members of the General Assembly to indorse their names on newspapers and public documents, mailed at the capital for their constituents;

Which was read a first time and passed to a second reading.

## HOUSE BILLS INTRODUCED.

Mr. Laird obtained leave and introduced

No. 20. A bill to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852;

Which was read a first time and passed to a second reading.

Mr. Hicks obtained leave and introduced

No. 21. A bill to raise a revenue for State purposes for the years 1853 and 1854, and to provide for the extinction of the public debt;

Which was read a first time and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 22. A bill to repeal section 6, of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10th, 1852;

Which was read a first time and passed to a second reading.

Mr. Moss obtained leave and introduced

No. 23. A bill for the equal distinction of property assigned for the benefit of creditors;

Which was read a first time and passed to a second reading.

On motion by Mr. Clark,

The House adjourned.

2 O'CLOCK, P. M.

House met.

## ORDERS OF THE DAY.

*House bills on second reading.*

No. 14. A bill to repeal section 1, of the common school law;  
Was read a second time,  
When,

On motion by Mr. Gentry,  
The bill was referred to the committee on Education.

No. 15. A bill to authorize circuit court judges to practice law  
in certain cases;

Was read a second time, when

On motion by Mr. Chapin,  
The bill was referred to the committee on the Judiciary.

## HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 10. A joint resolution asking of Congress a grant of land  
to the State of Indiana, to aid in the construction of a railroad lead-  
ing from Evansville to Crawfordsville;

Was read a second time, when

Mr. Freeland moved to amend the bill as follows: After the  
words "one hundred and sixty miles," read

AND WHEREAS, a road is in contemplation, connecting Evansville by  
railroad with Indianapolis, through the valley of the west branch  
of White River; AND WHEREAS, a portion of the country through  
which said road will pass is thinly settled, and the inhabitants are  
unable to construct said roads; therefore be it

*Resolved*, Instead of the words "said road," "said roads by an  
equal division."

Which was agreed to.

Mr. Hicks moved to refer the bill to the committee on Federal  
Relations;

Which motion did not prevail.

Mr. Laird moved to amend by striking out all of said joint reso-  
lution after the word "grant," and insert the following:

"One-half the unsold land in the Vincennes land district to the  
Evansville and Crawfordsville railroad, and the other half of the  
unsold lands in the Vincennes land district to the Troy and Wabash  
River railroad, to enable them to complete said roads."

Mr. Druley moved to amend the amendment so as to include the  
Junction road, running through the counties of Union, Fayette,  
Rush, and others, ending at Indianapolis.

Which was disagreed to.

Mr. Seawright moved to amend the amendment by adding "From thence north through Lebanon, Frankfort, Delphi and Monticello, there uniting with the railroad running from Evansville to Michigan City, thereby giving nearly a direct line from the capital of the State north, uniting with the lakes of the north."

Which was disagreed to.

Mr. Walker of Laporte moved to amend the amendment by striking out all after the words "land district," and substitute the following: "The net proceeds of which to be applied to the common school fund."

Which was agreed to.

The question then being on the adoption of Mr. Laird's amendment as amended,

It was decided in the negative.

The question then being on the engrossment of the joint resolution,

It was decided in the negative.

#### HOUSE BILLS ON THIRD READING.

No. 11. A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, M'Cormick, M'Clure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—97.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 12. "A bill to legalize certain State, Wabash and Erie canal certificates."

Was read a third time, and the question being: shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—93.

Mr. Shelby voting in the negative—1.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTIONS ON THIRD READING.

No. S. "A joint resolution to instruct our Senators and request our Representatives, to procure the passage of a law by Congress to grant lands to actual settlers."

Was read a third time, and the question being: shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele,



Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—93.

Mr. Hendricks voting in the negative—1.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

No. 9. "A joint resolution relative to 'constructive mileage.'"

Was read a third time, and the question being: shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—92.

Mr. Taber voted in the negative.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof: bill No. 5, "a bill to create the eleventh Judicial circuit, and to fix the time of holding courts therein."

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and ordered to a second reading.

A message from the Senate by Mr. Sites their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed the following engrossed bill thereof.

Bill No. 6, "An act requiring county treasurers to keep their offices in fire proof buildings where the same have been provided by the county board.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and ordered to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives that the Senate have passed the following engrossed bill thereof.

Bill No. 8, "a bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood in all cases where white persons are parties in interest."

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and ordered to a second reading.

By unanimous consent,

Mr. Stockwell obtained leave and introduced,

No. 24. A bill to establish a board of bank commissioners and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852;

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Seawright obtained leave and offered the following resolution:

*Resolved*, That the committee on Education be instructed to report a bill to this house amending the school law in the several sections referred to in the report of the Superintendent of Public Instruction, and any other omissions or confictions they may find in said school law.

Which was agreed to.

On motion by Mr. Graham,

The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 20, 1853. }

House met pursuant to adjournment.

The Journal of Saturday was read and adopted.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following joint resolution of the House No. 6. "A joint resolution in reference to obtaining permission of the State of Illinois, to open the Falls and straightening the channel of the Kankakee river above said falls," without amendment.

The Speaker laid before the House the following communication from the Auditor of State in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, January 19, 1852. }

HON. OLIVER B. TORBET,

*Speaker of the House of Representatives:*

SIR:—In compliance with the resolution of the House, to-wit:

*Resolved*, That the Auditor of State be, and he is hereby directed to report to this House at his earliest convenience an estimate of the amount of the perquisites of his office for the next two years.

I have the honor to state, that under the new law the salary of the Auditor of State for the ensuing year may be estimated very nearly as follows:

Annual salary.....	\$1,000
Allowance by the Wabash and Erie Canal Trustees.....	400
Allowance by Agent of State.....	200
Abstract of land entries.....	200
For care of Trust Funds.....	500
Miscellaneous.....	100
Swamp Land Patents.....	1,500
Free Banking fees, Auditor's portion.....	1,500
Total for 1853.....	<hr/> \$5,400

For the year 1854 the two latter items would be, possibly, somewhat reduced. These items cannot of course be estimated accu-

rately, but it is presumed they will not vary materially from the above statement.

I have the honor to be, very respectfully,  
 E. W. H. ELLIS,  
*Auditor of State.*

Which was laid on the table.

#### PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Ferris :

Four petitions from sundry citizens of Henry county, on the subject of temperance ;

Which were referred to the committee on Temperance.

By Mr. Shoemaker :

A petition from twenty citizens of this State on the subject of temperance ;

Which was referred to the committee on Temperance.

By Mr. Seawright :

From thirty-four citizens of Clinton county of this State, on the subject of temperance ;

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Pratt from the committee on the Judiciary made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was referred a resolution of the House instructing them "to consider the propriety of so amending the law governing criminal prosecutions where charges are preferred and well sustained, amounting to felony, as not to admit of any court taking a recognizance or bail-bond for a less sum than one thousand dollars," have, according to order, had the same under consideration, and instructed me to report that it is inexpedient to enact a law embracing the principle of the resolution. So various are the kinds of felony, the degrees of criminality, and the abilities of the accused to furnish bail, that, in the judgment of the committee, it is wholly impracticable to adopt any given sum as the minimum of the bail to be given. The Constitution requires that "excessive bail shall not be required;" and the committee are of opinion that with this constitutional restriction, it is safe to leave the amount, in every case, to the discretion of the court or judicial officer having cognizance of the matter. The committee therefore ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of transferring from the clerks of the circuit courts of this State, to the county recorders, the duties incumbent on such clerks in granting and recording marriage licenses, have had the same under consideration, and have instructed me to report that, in the opinion of said committee, it is inexpedient, at this time, to make the proposed transfer.

Which was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of providing by law for the better security of the lives and property of our citizens from railroad accidents, have had the same under advisement, and have directed me to report, that said committee are unanimously of opinion that further legislation on the subject referred to in said resolution, is unnecessary.

It is already provided in the first section of an act entitled "an act to prevent the destruction of, or injuring of animals, and the destruction of human life by railroads, and to provide compensation for the same," approved May 11, 1852, "That whenever any animal or animals shall be killed or injured by the cars or locomotives, or other carriages used on any railroad in this State, the owner of such animal or animals may recover the value thereof in an action against said company, without proof of negligence or wilful misconduct on the part of officers or servants of such company."

In the third section of said act it is further provided, among other things, that "Whenever any person shall die from any injury resulting from the negligence or unskillfulness of any of the officers or servants of any railroad company in this State, or to the insufficiency of, or defect in, such road, or bridges thereof, or the cars or locomotives thereon, such company shall be liable to the wife, husband, or other proper persons in damages for such injury."

Said committee are, therefore, of opinion that said provisions in the act referred to, are amply sufficient for the purposes contemplated by said resolution, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred resolution No. 19, of this House, instructing them to inquire whether there was a provision by law for the election of township trustees, have instructed me to report that there is such a provision, and ask to be discharged from further consideration of said resolution.

Which was concurred in.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred resolution No. 25, instructing them "to inquire into the expediency of enlarging the common pleas districts, thereby decreasing the number of judges, and equalizing their compensation," have had the same under consideration, and directed me to report that, in the opinion of the committee, it is inexpedient at this time to legislate on the subject; and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. McDonald of Lake chairman of the judiciary committee, made the following report:

**MR. SPEAKER:**

The judiciary committee to which was referred resolution No. 27, have directed me to report,

No. 25. "A bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years, in the State of Indiana, in the year 1853."

Which was read a first time and passed to a second reading.

Mr. Turpie from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary to whom was referred resolution No. 30, of this House in relation to authorizing justices of the peace oldest in commission to perform the duties of coroner in an inquest upon a dead body, in the absence of that officer from the county, and other cases of emergency, have had the same under consideration, and instructed me to report that it is unnecessary to legislate upon the subject, as the Revised Code of last winter, which will soon be in force, empowers any justice of the peace in a county to hold an inquest and impanel a jury in all cases contemplated by the resolu-

tion, and in that manner will fully accomplish the object by it proposed.

Which was concurred in.

Mr. Ryan from the committee on roads made the following report:

**MR. SPEAKER:**

The committee on roads to whom was referred a resolution as to the expediency of supervisors dividing the labor on roads running on county, township and district lines, have had the same under consideration and have directed me to report that they deem it inexpedient to legislate upon that subject, and ask to be discharged from further consideration thereof.

Which was concurred in.

Mr. Underwood chairman of the committee on benevolent and scientific institutions, made the following report:

**MR. SPEAKER:**

The committee on benevolent and scientific institutions, to whom was referred the petition of Henry Jackson, praying for the admission of Ann Eliza Jackson, an insane person of Vanderburgh county, into the insane asylum, have had the same under consideration, and have directed me to report that in the opinion of the committee, the admission of patients into the hospital, should be left, (under the law,) to the sound discretion of the superintendent and board of commissioners; that in the case of Mrs. Jackson, your committee can perceive no sufficient reason for additional legislation, and ask therefore, to be discharged from further consideration of the subject.

When,

On motion by Mr. Stackhouse,

The report was laid on the table.

#### RESOLUTIONS.

On motion by Mr. Hicks,

*Resolved*, That the committee on Ways Means be instructed to inquire into the expediency of allowing county recorders a specific sum for recording each deed, mortgage or other instrument, and report by bill or otherwise.

By unanimous consent, Mr. Chapin from a select committee, obtained leave and made the following report:

**MR. SPEAKER:**

Your committee to whom was referred resolution of the House No. 19, in relation to the expediency of repealing the General Banking law of 1852, respectfully report that it is inexpedient at this time to repeal said law.

Which was concurred in.

On motion by Mr. Price,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill to change the commencement of the fiscal year, from the first of January to the first of November.

On motion by Mr. Tanner,

*Resolved*, That the committee on Education, inquire into the expediency of so amending the present school law as to provide for the enumeration of all white persons over five, and under twenty-one years of age.

Mr. Milroy offered the following resolution:

*Resolved*, That the committee on Agriculture inquire into the expediency of enacting a law to prevent the killing of deer out of season, and report by bill or otherwise.

Which was agreed to.

On motion by Mr. Manville,

The vote on the adoption of the foregoing resolution was reconsidered.

And the question being on the adoption of the resolution.

On motion by Mr. Manville,

The word "quails" was added after the word "deer."

On motion by Mr. Hicks,

The word "rabbets" was added.

On motion by Mr. Henry,

The word "snakes" was added.

When,

On motion by Mr. Underwood,

The resolution was laid on the table.

On motion by Mr. Orr,

*Resolved*, That the committee on County and Township business be instructed to inquire into the expediency of a more uniform and equal allowance of fees to jurors and witnesses attending the different courts in this State, and report by bill or otherwise to this House.

On motion by Mr. Stockwell,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill providing for a reappraisement of all the real property in the State, and of so amending the act establishing a State Board of Equalization as to authorize a majority of each of the District Boards to increase or diminish the valuation of the lands in either of the counties in such districts; and a majority of the State Board to equalize the valuation amongst all the districts.

Mr. Graham offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill so amending the revenue laws as to make it the duty of each assessor to fix the value himself on that species of property, which is now (under law fixed by the owner) permitting, at the same time, each and every person assessed under oath, to deduct the aggregate amount of his or her indebtedness from the aggregate value of his or her property.



Mr. Wilson moved to amend the resolution "so as to make every man assess his own property, and hand said assessment to the assessor at the April elections ;"

Which was adopted.

And the resolution as amended was agreed to.

On motion by Mr. Seawright,

*Resolved*, That the committee on the Judiciary be instructed to report a bill to this House, making a proper disposition of the estates of persons dying without heirs.

Mr. Spencer offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the act to provide for the valuation and assessment of taxes, as to exempt polls from taxation for State and county purposes, and report by bill or otherwise.

And the question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Spencer and Work.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Donelson, Dufour, Dunlavey, Dyer, Emery, Fleming, Gentry, Graham, Hammond, Hendricks, Henry, Howell, Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McDonald of Lake, McKinney, Milroy, Moss, Scott, Spencer, Stephens, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Chapin, Cooper, Dodd, Donald, Druley, Durham, Farnsley, Ferris, Ferguson, Freeland, Goodman, Gootee, Greene, Hamrick, Handy, Harris, Hartley, Henton, Hicks, Hooper, Hunt, Johnson, Jones of Boone, Jones of Jennings, Laird, Lewis, Lines, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stockwell, Sutton, Tanner, Walker of Rush, and Yount—57.

So the resolution was not adopted.

Mr. Walker of Laporte moved to reconsider the vote taken yesterday on the adoption of Mr. Graham's resolution on the subject of clerks to committees.

And the question being put ;

The ayes and noes were demanded by Messrs. Graham and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Hendricks, Henry, Henton, Hicks, Howell, Lasselle, Lemmon, Lewis, Manville, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McMee, Milroy, Moss, Parker, Price, Read, Seawright, Shoemaker, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker.—58.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Graham, Greene, Hamrick, Harris, Hartley, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Martin, Maxfield, McKinney, Orr, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryan, Service, Shelby, Shuman, Simpson, Steele, Struble, Taber, Walker of Rush, and Yount—41.

So the vote was reconsidered.

The question then being on the adoption of said resolution, Mr. Dufour moved that it be indefinitely postponed.

And the question being put;

The ayes and noes were demanded by Messrs. Dufour and Graham.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Buell, Catlin, Chapin, Clark, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Gentry, Hammond, Handy, Hendricks, Henry, Henton, Hicks, Howell, Lasselle, Lemmon, Lewis, Manville, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Orr, Parker, Price, Read, Seawright, Shoemaker, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brown, Bundy, Burnett, Cooper, Donald, Donelson, Dyer, Ferris, Freeland, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hartley, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Martin, Maxfield, McClure, McKinney, Milroy, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryan, Service, Shelby,

Shuman, Simpson, Steele, Struble, Taber, Walker of Rush and Yount—47.

So the resolution was indefinitely postponed.

Mr. McDonald of Lake moved to reconsider the vote on indefinitely postponing said resolution.

When,

On motion by Mr. Underwood,

The motion of Mr. McDonald of Lake was laid on the table.

Mr. Ballard moved to take from the table the report of the Superintendent of Public Instruction, and that five thousand copies be printed for the use of the House.

When,

On motion by Mr. Laird,

“Five thousand” was stricken out, and “ten thousand” inserted in lieu thereof.

Mr. Underwood moved to further amend by adding “three thousand in the German language.”

Mr. Graham moved to amend the amendment by striking out “3000” and inserting “5000.”

And the question being put on printing “5000.”

The ayes and noes were demanded by Messrs. Stockwell and Graham.

*Those who voted in the affirmative were,*

Messrs. Able, Buell, Burnett, Chapin, Cooper, Dodd, Donelson, Emery, Farnsley, Graham, Henry, Laird, Lasselle, Lowe, Moss, Price, Read, Richardson, Scott, Spencer, Stockwell, Tanner, Walker of Laporte, Work and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Clark, Donald, Druley, Dunlavey, Durham, Dyer, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Thomas, Turpie, Underwood, Walker of Rush, Wilson, and Yount—74.

So the amendment to the amendment was not adopted.

The question then recurring on Mr. Underwood's amendment to print “3000.”

And the question being put;

The ayes and noes were demanded by Messrs. Henry and Able.

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Graham, Handy, Harris, Hendricks, Henry, Howell, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lowe, McCormick, Moss, McDonnall of Sullivan, Price, Read, Richardson, Scott, Seawright, Service, Shelby, Simpson, Spencer, Stockwell, Struble, Sutton, Tanner, Underwood, Walker of Laporte, Work, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Freeland, Goodman, Gootee, Greene, Hamrick, Hartley, Henton, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Lemmon, Lines, Manville, Martin, Maxfield, McClure, McDonald of Lake, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Rockafeller, Ryan, Shoemaker, Stackhouse, Steele, Stephens, Taber, Thomas, Turpie, Walker of Rush, Wilson, and Yount—42.

It was decided in the affirmative,

And the original motion as amended was agreed to, and "10,000" copies of said report was ordered to be printed in the English, and "3,000" in the German language.

Mr. Durham moved that the House adjourn.

Which motion did not prevail.

**JOINT RESOLUTIONS INTRODUCED.**

Mr. Freeland obtained leave and introduced;

No. 13. "A joint resolution asking of Congress a grant of one half of the unappropriated lands in the Vincennes land district, to aid in the construction of a railroad, connecting Evansville with Indianapolis."

Which was read a first time, and passed to a second reading.

Mr. Stockwell obtained leave and introduced

No. 14. A joint resolution asking of Congress a grant to the State of Indiana, of one-half of the unappropriated government lands in the Vincennes land district to aid in the construction of a railroad;

Which was read a first time, and passed to a second reading.

Mr. Brown obtained leave and introduced

No. 15. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act for the relief of John Linsey and James Elliott;

Which was read a first time, and passed to a second reading.

## BILLS INTRODUCED.

Mr. Moss obtained leave and introduced

No. 26. "A bill to repeal the 119th section of an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the auditor and treasurer of State,'" approved June 21st, 1852;

Which was read a first time, and passed to a second reading.

Mr. Orr obtained leave and introduced

No. 27. A bill to amend the seventeenth section of an act entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852;

Which was read a first time, and passed to a second reading.

Mr. Dodd obtained leave and introduced

No. 28. A bill to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5th, 1849;

Which was read a first time, and passed to a second reading;

On motion by Mr. Milroy,

The House adjourned.

2 o'clock, P. M.

House met.

Mr. Gentry moved a call of the House, which was ordered.

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Ballard, Burnett, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dunlavey, Emery, Ferris, Ferguson, Fleming, Freeland, Gentry, Greene, Hamrick, Handy, Hartley, Henton, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Seawright, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker  
—66.

Several members having come in during the call and there being evidently a quorum present,

On motion by Mr. Milroy,

A further call of the House was suspended.

24 H

By unanimous consent,

Mr. Laird obtained leave and introduced

No. 16. A joint resolution for the purpose of obtaining from the General Government a grant of a portion of the unsold lands in the Vincennes land district, to aid in the construction of a railroad from Troy, in Perry county, Indiana, to Greencastle, in Putnam county, in the same State.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Donald, from a select committee, obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to whom was referred resolution No. 24, relating to the fraudulent redemption of treasury notes, have instructed me to report that the committee of Ways and Means are about to investigate the matter; and as a multiplicity of committees would not facilitate the investigation, the select committee asks to be discharged from the further consideration of the subject.

Which was concurred in.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 16. A bill to amend the 9th section of an act entitled "an act to provide for electing electors for President and vice President of the United States," approved May 20th, 1852, changing the time prescribed in said section, for the assembling of said electors to cast the electoral vote of the State;

Was read a second time and ordered to be engrossed.

No. 17. A bill supplemental to an act entitled "an act concerning liens of mechanics, merchants and others," approved May 20th, 1852;

Was read a second time and ordered to be engrossed.

No. 18. A bill to repeal section 276, article XIV of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State—to abolish distinct forms of actions at law; and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and to dispense with the use of seals in the conveyance of lands or of any interest therein, and to define the meaning of all terms importing a seal in contracts obligatory upon individuals when the same occur in laws now in force or hereafter to be in force;

Was read a second time and ordered to be engrossed.

No. 19. A bill to amend the 43d and 46th sections of an act to provide for the opening, vacating and changing of highways, approved June 17th, 1852.

Was read a second time.

Mr. Work moved to amend the bill by striking out the word 'ten' where it occurs and inserting in lieu thereof the word "twenty."

Which was disagreed to.

Mr. Lowe moved to strike out 'ten' where it occurs and insert 'five' in lieu thereof.

Which was disagreed to.

The question then being on the engrossment of the bill,

It was decided in the affirmative.

No. 20. A bill to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts in this State, to abolish distinct forms of actions at law and to provide for the administration of Justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18th, 1852;

Was read a second time, when

On motion by Mr. McDonald of Lake,

The bill was referred to the committee on the Judiciary.

No. 21. A bill to raise a revenue for State purposes for the years 1853 and 1854, and to provide for the extinction of the public debt;

Was read a second time; when,

On motion by Mr. Hicks,

The bills was referred to the committee on Ways and Means.

No. 22. A bill to repeal section 6th of an act entitled, "an act defining felonies, and prescribing punishment therefor," approved June 10th, 1852.

Was read a second time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on the Judiciary.

No. 23. A bill for the equal distribution of property assigned for the benefit of creditors.

Was read a second time; when,

On motion by Mr. Moss,

The bill was referred to the committee on the Judiciary.

No. 24. A bill to establish a Board of Bank Commissioners, and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852;

Was read a second time; when,

On motion by Mr. Chapin,

The bill was laid on the table, and two hundred copies ordered to be printed.

#### SENATE BILLS ON SECOND READING.

No. 5. A bill to create the eleventh judicial circuit, and to fix the time of holding courts therein;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to a select committee of five; consisting of Messrs. Pratt, Henton, Lines, Milroy and Turpie.

No. 6. A bill requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county Board;

Was read a second time, and ordered to a third reading.

No. 8. A bill to prohibit the evidences of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest;

Was read a second time.

Mr. Burnett moved that the bill be referred to the committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Turpie moved to refer the bill to the committee on the Judiciary;

Which motion did not prevail.

The question then recurring on Mr. Burnett's motion,

It was decided in the affirmative.

#### HOUSE JOINT RESOLUTION ON SECOND READING.

No. 11. A joint resolution asking Congress to pass a law allowing the State of Indiana to tax all lands that may or have passed from the general government, lying in said State, for school and other purposes;

Was read a second time; when,

On motion by Mr. McDonald of Lake,

The joint resolution was referred to the committee on Swamp Lands.

No. 12. A joint resolution asking Congress to pass a law authorizing members of the General Assembly to indorse their names on newspapers and public documents mailed at the capital for their constituents;

Was read a second time.

Mr. Walker of Laporte moved to amend by striking out the concluding clause after the words "passage of a law," and substitute the following:

To allow any individual sending newspapers or other documents through the post office to endorse his or her name upon the same.

Which was agreed to.

When,

On motion by Mr. Hicks,

The bill was referred to the committee on Federal Relations.

By unanimous consent, Mr. Manville, from the committee on Ways and Means, obtained leave and made the following report:



MR. SPEAKER:

The committee on Ways and Means to whom was referred No. 9, a bill authorizing the Treasurer of State to furnish the Agent of State with funds, &c., beg leave to report the following bill, amended according to instructions:

Strike out from the enacting clause and insert, that the Treasurer of State be, and he is hereby directed, to furnish, from time to time, to the agent or representative of the State in the city of New York, such sums as shall be necessary to pay the interest on the public debt, and meet the incidental expenses of the agency.

SEC. 2. Such advances shall be made upon requisitions of the Auditor of State on the Treasurer of State, and shall be numbered and charged to the agent.

Your committee also beg leave to report that all the information that can be obtained in regard to the condition of the public debt is found in the report of the Auditor of State.

They ask to be discharged from further consideration of the subject.

The amendment of the committee was concurred in.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—86.

Mr. McClure voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following joint resolution:

No. 5. A joint resolution in relation to the harbor at Michigan City.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

By unanimous consent,

Mr. Laird obtained leave, and offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire whether section 238, of chapter 5, of the Revised Statutes is not controlled and rendered inoperative by section 243, of same chapter, and report by bill or otherwise;

Which was agreed to.

By unanimous consent,

Mr. Goodman obtained leave, and offered the following resolution:

*Resolved*, That the committee on Education are hereby instructed to inquire into the expediency of so modifying section 141, of an act entitled an act, to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, approved June 14, 1852; so that a good and sufficient library be furnished to each township in this State, and report by bill or otherwise;

Which was agreed to.

By unanimous consent,

Mr. Service obtained leave and offered the following resolution:

*Resolved*, That the committee on Education take into consideration that part of the report of the Superintendent of Public Instruction, relating to the establishment of an educational periodical, and report what action should be taken thereon by the House;

Which was agreed to.

By unanimous consent,

Mr. Hamrick obtained leave and offered the following resolution:

*Resolved*, That the committee on Education be directed to inquire into the expediency of providing by law for investing the common school funds as paid into the treasury from time to time on the bonds of the State, with leave to report by bill or otherwise;

Which was agreed to.

By unanimous consent,

Mr. Farnsley obtained leave and offered the following resolution:

*Resolved*, That the committee on the Judiciary, be requested to inquire into the expediency of consolidating all road laws of this State, and authorizing the same to be published in pamphlet form, and distributed among the several counties for the use of supervisors of public highways, and report by bill or otherwise; when,

On motion by Mr. Moss,

The reference was changed to the committee on Roads, and the resolution as amended was agreed to.

By unanimous consent,

Mr. Manville obtained leave and introduced

No. 29. A bill to repeal part of section 119, of an act entitled

"An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852;

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Walker of Laporte obtained leave and introduced

No. 30. A bill to amend an act entitled, "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Stockwell obtained leave and introduced

No. 31. "A bill to change the time of holding the courts of common pleas, in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties.

Which was read a first time, and passed to a second reading.

Mr. Thomas from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The joint committee on enrolled bills have compared joint enrolled resolution of the House, No. 6, with the engrossed copy thereof, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Spencer obtained leave and introduced

No. 32. A Bill to revise and amend "an act for the more uniform mode of doing township business," approved May 6th, 1852, and defining the duties of certain officers therein named.

Which was read a first time and passed to a second reading.

On motion by Mr. Jones of Ripley,

The House adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 21, 1853. }

House met pursuant to adjournment.

Mr. Maxfield moved to dispense with the reading of the journal.  
Which was disagreed to.

The Clerk proceeded to read, when

On motion by Mr. Stockwell,

The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS, &C, PRESENTED.

By Mr. Dunlavey:

Two petitions from sundry citizens of the State of Indiana on the subject of temperance.

Which,

Were referred to the committee on temperance.

By Mr. Henry:

Three petitions from sundry citizens of the State of Indiana, on the subject of temperance.

Which,

Were referred to the committee on Temperance.

By Mr. Ferris:

A petition from sundry citizens of the State of Indiana on the subject of temperance.

Which,

Which was referred to the committee on Temperance.

By Mr. Hammond:

A petition from sundry citizens of the State of Indiana on the subject of temperance.

Which,

Which was referred to the committee on Temperance.

By Mr. Ferris:

A petition from sundry citizens of the State of Indiana on the subject of temperance;

Which was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending the 18th section of an act establishing courts of conciliation, have

unanimously directed me to report against making the amendment proposed in said resolution.

Which was concurred in.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were instructed to inquire into the expediency of so amending the law in reference to the jurisdiction of justices of the peace in criminal prosecutions, as to give to justices the power to send for, and compel persons to file their affidavits against offenders, when such justices are satisfied that the criminal code has been violated—have had the subject under consideration, and have directed me to report the following as the opinion of a majority of the committee.

That the great majority of offenses against those portions of the criminal code, over which justices have jurisdiction, would be regularly brought before the notice of the justice by the voluntary affidavit of the injured party or his friends, without the aid of any act such as the resolution contemplates.

That such an act would tend to foster litigation, by prompting unnecessary prosecutions.

That it would place it in the power of meddlesome and malicious persons, by making secret suggestions to the justice, to set on foot prosecutions in causes where they have no personal interest, and where they are actuated by no better motive than hostility to the person accused.

That it is due to the accused on his trial, that the justice should not have pre-judged the case on any material point involved in it—while the tendency of the preliminary inquest proposed by the resolution, would be to prejudice the mind of the justice against the accused, before he should be put upon his trial or confronted by the witnesses.

That an act such as the resolution contemplates would invest justices of the peace with inquisitorial powers incompatible with their judicial duties, and inconsistent with the general spirit of our criminal jurisprudence. That it would be subject to the same objection that would exist against placing on a petit jury, twelve grand jurymen to try an indictment found by themselves.

The majority of your committee are therefore of the opinion that further legislation on this subject is inexpedient, and ask to be discharged from the further consideration of the matter.

Which was concurred in.

Mr. Henry, from the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred the claims of Garland Allender, John S. McBride, Jordan Bundy and William Paissel, for the apprehension and delivery of T. Rumsey, a fugitive from justice from Rush county, have had the same under consideration, and have directed me to report that in the opinion of a majority of the committee, it is wrong to pay such claims out of the State treasury, and inexpedient to legislate on the subject, and recommend that it be laid on the table, and the committee be discharged from further consideration thereof.

Which was concurred in.

Mr. Pratt, from the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill No. 5, of the house, have according to order had the same under consideration and directed me to report the same back to the house with the following amendments, and upon the adoption of the same to recommend the passage of the bill:

*First.* Amend the title of the bill so that the same shall read as follows:

"A bill to extend the period within which the president and directors of the Delphi and Frankfort plank road company are required to complete the whole of their road, from four years to seven years."

*Second.* Insert the following after the enacting clause in place of the section as it now reads.

"That the 18th section of the act of incorporation of said company, approved January 15, 1849, be so amended as to read as follows, to-wit:"

"Sec. 18. The corporation shall commence the construction of said road at any time within two years from the date of this act, and may from time to time construct such portions of said road as may be within their ability, and to the interest of the corporation: shall complete the whole of said road within seven years from the time of the commencement of the same.

Which was concurred in.

And the bill ordered to be engrossed.

Mr. Turpie from the committee on corporations made the following report:

MR. SPEAKER:

The committee upon Corporations to whom was referred resolution No. 37 of the house, raising the question whether the 8th section of the act to authorize and regulate the business of general banking,

which allows the makers of Bills issued pursuant to said law, to pay the same, within thirty days after notice to them of the protest of the same, from the Auditor of State, without forfeiting their charter; does not conflict with the eleventh article of the constitution which says that no law shall be enacted sanctioning the suspension of specie payment; have had the same under consideration, and have directed me to report the same back to the house, and that in the opinion of the committee there is no conflict between the section of the act referred to, and the said provision of the constitution. The committee is of the opinion that there is a clear distinction between a refusal to pay, in any particular case, as is contemplated in the act recited in the resolution; and a general suspension of specie payment as understood in the constitution. The one might only effect the right of a single creditor and possibly upon just grounds, and is consequently an entirely legitimate subject for legislation; without it, an institution doing business under the act might be seriously injured; the other must affect all bill holders and other creditors of such bank, without regard to right, and is consequently placed by the constitution outside of all legislative action.

The committee ask to be discharged from the further consideration of said resolution.

Which was concurred in.

Mr. McClure chairman of the committee on corporations made the following report:

MR. SPEAKER :

The committee on corporations to whom was referred a resolution inquiring into the expediency of so amending the 38th section of "an act to provide for the incorporation of railroad companies, so that the stockholders shall be held only liable for the debts of said company in proportion to their stock subscribed, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subject.

Which was concurred in.

Mr. Hicks from the committee on the organization of Courts of Justice, made the following report:

MR. SPEAKER :

The committee on the organization of Courts of Justice to whom was referred resolution No. 35, requiring said committee "to inquire into the expediency of repealing all laws granting changes of venue, and more than two continuances in the circuit court," have had the same under consideration, and direct me to report that they deem it *inexpedient* to legislate upon the subject mentioned in said resolution at this time, and ask to be discharged from the further consideration thereof;

Which was concurred in.

Mr. Laird, from the committee on the organization of Courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice to whom was referred the resolution in relation to amending the act entitled "an act regulating the relation of master and apprentice," approved May 27th, 1852, so that the master should not compel any apprentice, that is over sixteen years of age, to perform any labor other than that which properly belongs to his trade or profession, have had the same under consideration, and have instructed me to report

No. 33. A bill to amend an act entitled "an act regulating the relation of master and apprentice," approved May 27th, 1852."

Which was read a first time and passed to a second reading.

Mr. Howell, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts of Justice, to whom was referred House bill No. 4, entitled an "act to amend section 30, of an act entitled an act to establish courts of common pleas," approved May 14, 1852, have had the same under consideration, and have directed me to report the following amendments to said bill; after which, they recommend its passage.

Strike out all after the word "thousand" in the second line on the inside of the sheet upon which said bill is drafted to the second "proviso," and insert the following:

"Such courts may sit four weeks each term, if the business require it. In every county where the population exceeds nine thousand and less than fifteen thousand, such court may sit three weeks if the business require it; and in every county where the population is less than nine thousand, such court may sit two weeks, if the business thereof require it;"

Which amendment was adopted, and the bill ordered to be engrossed.

Mr. Pratt from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 5, have according to order, had the same under consideration, and instructed me to report the same back to the House with the following amendment, and upon the adoption of the same, to recommend the passage of the bill.

Amend by striking out the whole of section 3, and inserting the following in lieu thereof.



Sec. 3. The terms of court in said counties shall commence as follows, to-wit: In the county of Huntington on the second Mondays in February and August in each year; in the county of Wabash on the Monday succeeding the courts in the county of Huntington; in the county of Miami on the Monday succeeding the courts in the county of Wabash; in the county of Grant on the Monday succeeding the courts in the county of Miami; in the county of Cass on the Monday succeeding the courts in the county of Grant; in the county of Carroll on the Monday succeeding the courts in the county of Cass; in the county of White on the Monday succeeding the courts in the county of Carroll; in the county of Howard on the Monday succeeding the courts in the county of White;

Which was adopted; when,

On motion by Mr. McDonald of Lake,

The amendment was considered as engrossed, and the bill read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Scott, Service, Shelby, Shoemaker, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—84.

*Those who voted in the negative were,*

Messrs. Druley, Henton, Howell, Jones of Ripley, Lasselle, Moss, Orr, Rockafellar, Seawright, Shuman, Simpson, Spencer and Taber—13.

So the bill passed.

Mr. Pratt moved to amend the title by adding thereto, as follows: "And to attach Jasper county to the ninth judicial circuit;"

Which was agreed to.

Ordered, that the Clerk inform the Senate thereof.

Mr. Moss from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred an act providing for the settlement of decedents' estates, and sundry resolutions in respect thereto, have directed me to report the same back to the House, and recommend their reference to the committee on the judiciary.

Which was concurred in.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Scott,

*Resolved*, That the committee on the organization of courts of justice be instructed to inquire whether the courts of common pleas of this State have jurisdiction in cases of divorce, bastardy, surety of the peace, and chancery jurisdictions, and if said courts have not jurisdiction in the above matters, to inquire whether it would be expedient that they should have such jurisdiction, with leave to report by bill or otherwise.

On motion by Mr. Hicks,

*Resolved*, That the committee on Benevolent Institutions inquire whether any vacancies will occur in the office of any of the trustees of the Asylum for the Insane, before the next convening of the Legislature, and if so, whose terms of office will expire, and report to this House as soon as convenient.

On motion by Mr. Orr,

*Resolved*, That there be one thousand copies of the sixth annual report of the trustees of the Indiana Institute for the Education of the Blind, printed for the use of this House, and five hundred for the use of the institution.

On motion by Mr. Farnsley,

*Resolved*, That the Auditor of State be directed to report to this House the name, location, and capital stock of the applicants, made for establishing banks under the general banking law of 1852, at the earliest practicable moment.

On motion by Mr. Hicks,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the criminal code, as to make it necessary for all criminal charges to first be presented by the grand jury by bill of indictment, and all those bills for crimes under felony shall be tried in the common pleas courts, and those of felony in the circuit courts; and report by bill or otherwise.

On motion by Mr. Clark,

*Resolved*, That every male person and every unmarried female over the age of twenty-one years, who shall have resided in any county in this State six months without interruption, shall thereby gain a settlement in such county.

On motion by Mr. Laird,

*Resolved*, That the committee on the organization of courts of

justice be requested to inquire into the expediency of so amending the law organizing courts of conciliation as to authorize justices of the peace to hold courts of conciliation when the amount does not exceed the sum of two hundred dollars, reserving the right to appeal by either party as in other cases.

On motion by Mr. Seawright,

*Resolved*, That the committee on Benevolent and Scientific Institutions be requested to inquire into the expediency of reporting a bill making it the duty of township assessors to return to their respective county auditors the number of blind and mutes in each township, their name, age, post office, &c., and the several county auditors report to the Auditor of State.

On motion by Mr. Shoemaker,

*Resolved*, That the committee on the Judiciary be instructed to report a bill to this House defining and declaring what officers of this State shall be required to use official seals.

On motion by Mr. Turpie,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of limiting the number of days work to be required of the hands in a district subject to such labor to four days, for any one season, or some other limited time, and report by bill or otherwise.

On motion by Mr. Scott,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether the law of decedents' estates authorizing loaning of money extends to the loaning of the same beyond one year from the issuing of letters, and report to this house.

On motion by Mr. Turpie,

*Resolved*, That the chairman of the committee on Temperance be requested to report to this house regularly the names of the absentees at every regular meeting of said committee, and that said absentees unless excused shall give to this house the reasons of such absence.

Mr. Orr offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire into the expediency of devising a plan by which the colored population of this State shall receive a common education, and report to this house by bill or otherwise.

Which was disagreed to.

Mr. Donald offered the following resolution :

*Resolved*, That this house will not request Congress to grant lands for any internal improvement where there is not a company already organized for the construction of such improvement.

Mr. Graham moved to amend by adding "or for any other purposes except school purposes."

Which was agreed to.

The question then recurring on the adoption of the resolution as amended,

It was decided in the affirmative.

## BILLS INTRODUCED.

Mr. Durham obtained leave and introduced

No. 34. A bill amendatory of "an act to provide for a general and uniform system of common schools," approved June 14, 1852; Which was read a first time and passed to its second reading.

Mr. Underwood obtained leave and introduced

No. 35. "A bill to provide for annual reports of State officers, branches of State Bank and benevolent institutions to be made to the Governor."

Which was read a first time and passed to a second reading.

Mr. Turpie obtained leave and introduced

No. 36. "A bill to prohibit the circulation of foreign bank bills under the denomination of ten dollars."

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*House bills on second reading.*

No. 32. A bill to revise and amend "an act for the more uniform mode of doing township business," approved May 6th, 1852, and defining the duties of certain officers therein named.

Was read a second time and

On motion by Mr. Struble,

Was referred to the committee on county and township business.

On motion by Mr. Dunlavey,

Mr. Jones of Boone obtained leave of absence until Monday morning.

On motion by Mr. Handy,

Mr. McKinney obtained leave of absence until Monday.

On motion by Mr. Turpie,

Mr. Parker obtained leave of absence until Monday.

No. 25. A bill to provide for an enumeration of all the white male inhabitants over the age of twenty-one years in the State of Indiana in the year 1853,

Was read a second time.

Mr. McDonald of Lake moved to amend by striking out the word "Legislature" where it occurs, and inserting in lieu thereof, the words "General Assembly."

Which was agreed to, and the bill ordered to be engrossed.

No. 26. A bill to repeal section 119 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852;

Was read a second time, and,

On motion by Mr. Moss,

Was referred to the committee on the Judiciary.

No. 27. A bill to amend the 17th section of an act entitled "an act regulating descents, and the apportionment of estates," approved May 14, 1852,"

Was read a second time.

Mr. Donald moved to amend by adding the following sections to said bill:

Strike out section 19 and insert as follows:

SEC. —. If a husband die testate or intestate, leaving a widow, and if the personal estate does not exceed two hundred dollars, it shall go without administration to the widow, free from all demands of creditors; and also whatever provisions there may be for the use of the family at the death of the husband. *Provided*, the value of the same does not exceed twenty-five dollars.

Strike out section 21 and insert as follows:

SEC. —. In all cases, other than that provided for in the preceding section, a surviving wife shall be entitled, before any distribution, to one hundred and fifty dollars of personal property of her deceased husband, to be selected by her at its appraised value; and also the provisions on hand for the use of the family, not exceeding twenty-five dollars in value; or if said personal property shall have been sold, then to one hundred and fifty dollars out of the proceeds thereof, for which she shall not be required to account.

Strike out section 24 and insert—

SEC. —. If a man die intestate, leaving a widow and a child, or children, the personal property of such intestate, after payment of all just and legal debts, shall be divided as follows:

One third to the widow, and the remaining two-thirds to the child or children in equal proportions.

Strike out section 27 and insert as follows:

SEC. —. A surviving wife is entitled to one-third of all the real estate of which her husband may have been seized in fee simple, at any time during the marriage, and in the conveyance of which she may not have joined in due form of law, as dower, during the whole time of her natural life; and also of all lands in which her husband had an equitable interest at the time of his death: *Provided*, that if the husband shall have left a will, the widow may elect to take under the will, instead of this or the foregoing provisions of this act.

SEC. —. Sections 18, 20, 22 and 23, of an act entitled "an act regulating descents and apportionment of estates," approved May 14, 1852, be and the same is hereby repealed.

Mr. Druley moved to lay the bill and pending amendment on the table.

Which motion did not prevail.

Mr. Struble moved to amend the amendment by adding the following section:

SEC. —. If a husband die testate or intestate leaving a widow

and his real estate exceeds in value four thousand dollars, and less than five thousand dollars, two-fifths of his real estate shall descend to the widow, and if the real estate does not exceed five hundred dollars in value, two-thirds of the real estate shall descend to the widow during her lifetime. Also examine sections 50 and 69, to see if there is any conflicting sentences in regard to the per centage as to damages for non-payment of mortgage premises, and if so harmonize the same; when,

On motion by Mr. Pratt,

The bill and pending amendment were referred to the committee on the judiciary.

On motion by Mr. Laird,

Leave of absence was granted Mr. Ferris until Monday at noon.

No. 28. A bill to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun in Ohio county," approved January 5th, 1849,

Was read a second time and

On motion by Mr. Hicks,

Was referred to the committee on the judiciary.

On motion by Mr. Bundy,

Leave of absence was granted Mr. Underwood until Monday next at noon.

No. 29. A bill to repeal part of section 119 of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852;

Was read a second time, when,

On motion by Mr. McDonald of Lake,

The bill was referred to the judiciary committee.

No. 30. A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time, when,

On motion by Mr. Gentry,

The bill was referred to the committee on ways and means.

No. 31. A bill to change the time of holding courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties;

Was read a second time, and ordered to be engrossed.

#### JOINT RESOLUTIONS ON SECOND READING.

No. 14. A joint resolution asking of Congress a grant of land to

the State of Indiana, to aid in the construction of a railroad leading from Evansville to Crawfordsville;

Was read a second time, and ordered to be engrossed.

Mr. Milroy moved that the House adjourn,

Which was decided in the negative.

No. 13. A joint resolution asking of Congress a grant of one-half of the unappropriated lands in the Vincennes land district, to aid in the construction of a railroad connecting Evansville with Indianapolis;

Was read a second time, when,

Mr. Freeland offered the following amendment:

After the words, "to the State to aid," read "a company now forming in said valley, the organization of which is appointed to take place on the tenth of March next;

Which was agreed to.

And the question being on the engrossment of the joint resolution,

And the question being put,

The ayes and noes were demanded by Messrs. Donelson and Turpie.

*Those who voted in the affirmative were,*

Messrs. Able, Bellard, Cooper, Donald, Durham, Dyer, Freeland, Gentry, Gootee, Graham, Hamrick, Harris, Laird, Lines, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Pratt, Price, Read, Scott, Service, Steele, Stockwell, Sutton, Tanner and Yount  
—28.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Dodd, Donelson, Druley, Dunlavey, Emery, Farnsley, Ferguson, Fleming, Goodman, Greene, Hammond, Handy, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McKinney, Moss, Orr, Parker, Peckenpaugh, Richardson, Rockafellar, Ryan, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephenson, Taber, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker.—62.

So the joint resolution was not ordered to be engrossed.

Mr. Orr moved that the House adjourn.

Mr. Moss moved to amend by adjourning till to-morrow morning, 9 o'clock;

Which was disagreed to.

The question then recurring on Mr. Orr's proposition;

It was agreed to.

2 o'clock, P. M.

House met.

## ORDERS OF THE DAY RESUMED.

No. 15. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act for the relief of John Linsey and James Elliott,

Was read a second time; when

On motion by Mr. Manville,

The joint resolution was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

No. 16. A joint resolution for the purpose of obtaining from the General Government a grant of a portion of the unsold land in the Vincennes land district, to aid in the construction of a railroad from Troy, Perry county, Indiana, to Greencastle, Putnam county, Indiana,

Was read a second time; when,

On motion by Mr. Orr,

The bill was referred to the committee on Canals and Internal Improvements.

## SENATE JOINT RESOLUTION ON ITS SECOND READING.

No. 1. A joint resolution relating to the harbor at Michigan City,  
Was read second time.

Mr. Hicks moved to amend the joint resolution by inserting the following:

"And that sufficient donation be made by the General Government for the building of a canal around the falls of the Ohio, on the Indiana side, free and sufficient for the entire commerce of the north-west.

Which was agreed to.

When,

On motion by Mr. Walker of Laporte,

The joint resolution was referred to the committee on Federal Relations.

## HOUSE BILLS ON THIRD READING.

No. 16. A bill to amend the 9th section of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State;

Was read a third time.

And the question being, shall the bill pass?



*Those who voted in the affirmative were.*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—92.

Mr. Speaker voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from Mr. Hester, with the accompanying report.

INDIANAPOLIS, IND., January 21, 1853.

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—Please lay before the honorable body over which you have the honor to preside, the accompanying report.

Respectfully,

JAMES S. HESTER.

On motion by Mr. McDonald of Lake,

The report was laid on the table, and two hundred copies ordered to be printed.

Pursuant to law, the undersigned was appointed one of the Supervisors of the arrangement and printing of the Revised Statutes, passed at the session of 1852. The act authorizing the appointment, so far as he is concerned, has been strictly complied with, under circumstances of great embarrassment.

A report from the undersigned can possess but little interest except so far as it treats of conflicts and omissions in the new Revised Statutes, and to that subject he will at once pass.

In addition to those conflicting provisions pointed out by the officers of State in their annual reports to this General Assembly, the undersigned would respectfully call the attention of the Legislature to the following:

The words contained in brackets on pages 119, 128, 140, 192,

193, 222, 228, 229, 339, 414, 455, 459, 475, 478, 479, 495, 498, 499, 500, 507, 508, vol. 1, and pages 14, 59, 63, 64, 72, 76, 78, 128, 129, 173, 183, 188, 193, 283, 285, 286, 306, 312, 324, and 425, vol. 2, should be declared part of the acts in which they are inserted.

Sec. 7, page 243, vol. 1, provides for the infliction of a penalty against agents of foreign corporations who fail to comply with the provisions of the act, upon *presentment* or *indictment by a Grand Jury*, and is, therefore, in conflict with sec. 14, vol. 2, p. 388, providing that Grand Juries shall have cognizance of felonies only.

There is also, an apparent conflict between sec. 19, vol. 1, p. 250, and sec. 136, vol. 2, p. 280, concerning the widow's right to property exempt from administration in certain cases therein mentioned.

Sec. 119, vol. 2, p. 377, provides for an appeal to the Supreme Court in case of an acquittal by the court below of a person charged with a crime, and in the event of a reversal of the judgment of the latter court, the taxing of the costs of the appeal against the defendant, is, it is believed, in conflict with sec. 14, art. 1, of the constitution of this State, declaring that "No person shall be put in jeopardy twice for the same offense." The taxing of costs in such case is manifestly a punishment.

Sec. 9, p. 102, vol. 1, is in conflict with sec. 31, p. 229, same volume, in reference to appeals from the decisions of the board of county commissioners in certain cases.

It is suggested that the whole act concerning the court of common pleas be thoroughly revised, its jurisdiction clearly defined, the duties of its officers prescribed, and the manner of selecting and compensation of its petit juries, provided for. Doubts have been entertained whether that court can admit applications for divorce. Sec. 11, p. 18, vol. 2, provides for its concurrent jurisdiction, and would seem to extend it to such cases, except where there is a prayer for alimony for a sum exceeding \$1,000. But sec. 6, p. 234, same volume, provides that "divorces may be decreed by the circuit courts," and does not recognize jurisdiction in any other court.

Sec. 17, p. 19, vol. 2, permits the trial of persons in custody charged with a felony by courts of common pleas, with or without their consent, without the intervention of a grand jury. Can the Legislature confer such a power?—See Art. V., R. S., vol. 1, p. 32, U. S. Const.

The necessity for a statutory provision regulating the remedy of the bailee in case of pawns, where the article pledged remains unredeemed after the expiration of the time limited in the contract of bailment, has been seriously felt; and, since the abolition of the distinction between chancery and common law actions, the evil will not be mitigated. It is believed that the act on p. 240, vol. 2, does not extend to such cases.

The act on p. 161, vol. 1, concerning the government of the Institution for the Blind, does not provide for the election of Trustees

and certain other officers thereof; and the repealing act, p. 430, vol. 1, has swept away all the old provisions on that subject.

Sec. 6, p. 199, vol. 1, contemplates a writ of *ad quod damnum*, when that writ, by a provision on p. 188, vol. 2, is hereafter to be known only as the writ of "*assessment of damages*."

The act on p. 373, vol. 1, concerning "navigable streams," fails to provide for a contingency which may often happen, where the Board of Commissioners of one county may declare a stream navigable, and require it to be worked as such, while the Board of Commissioners of another county, through which the same stream may pass, may refuse to make such declaration. Sec. 2 of the same act needs radical amendment in aid of the sense.

There is no law of this State authorizing the trial of a person guilty of counseling and advising, or otherwise aiding in the commission of a crime, to be, or actually, perpetrated in another State. Many of the States of this Union have a statutory provision declaring the offense indictable. Those who are curious on this subject are referred to the case of *ex parte Smith*, 3 McLean's Rep. 121.

The reference to sec. 672, in sec. 680, p. 188, vol. 2, is presumed to be incorrect. The error was no doubt occasioned by an improper numbering of the sections of the Civil Code, after the striking out of sections by the last General Assembly, in the adoption of amendments thereto. And it is not improbable that errors of the same character elsewhere occur in the same act, attributable to the same cause.

Sec. 134, p. 379, vol. 2, is in conflict with sec. 6, p. 396, same volume, providing the manner of executing the sentence of death. Some of the provisions of each section should be embodied in one.

In addition to the foregoing, you are respectfully referred to the table of *errata* accompanying the Secretary's certificate prefixed, and that appended to volume 1. Those errors affecting the text require legislative correction.

Respectfully,

JAMES S. HESTER.

No. 18. A bill to repeal section 276, article 14, of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852; and to dispense with the use of seals in the conveyances of lands, or of any interest therein, and to define the meaning of all terms importing a seal in contracts obligating upon individuals, where the same occur in laws now in force or hereafter to be in force,

Was read a third time; when,

On motion by Mr. Laird,

The bill was recommitted to the committee on the judiciary, with the following instructions:

*Provided*, that nothing in this act shall be construed to authorize justices of the peace from dispensing with the use of seals.

No. 17. A bill to give livery stable keepers, and others engaged in the feeding of cattle, horses, hogs, and other live stock, a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics, merchants, and others, approved May 20, 1852,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Peckenaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—92.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from his excellency the Governor.

EXECUTIVE DEPARTMENT, }  
January 21st, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—You will please to lay before the House of Representatives the within communication.

Respectfully yours, &c.,  
JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, }  
JANUARY 21, 1853. }

*To the House of Representatives:*

Francis King, my Private Secretary, is authorized to make communications from the Executive Department to the House of Representatives during the present session.

JOSEPH A. WRIGHT.

No. 19. "A bill to amend the 43d and 45th sections of an act to provide for the opening, vacating, and change of highways," approved June 17th, 1852;

Was read a third time, when,

On motion by Mr. Work,

The bill was recommitted to the committee on roads, with the following instructions:

Strike out of section 45, the words "have been," or immediately after the words "roads which" and before the words "may hereafter."

A message from the Governor, by Mr. King, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following:

No. 6. A joint resolution in reference to obtaining permission of the State of Illinois, to open the falls and straighten the channel of the Kankakee river above said falls;

Which originated in the House of Representatives.

#### SENATE BILL ON THIRD READING.

No. 6. A bill requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county Boards;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stevens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Yount and Mr. Speaker—92.

Mr. Work voting in the negative—1.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Turpie moved to reconsider the vote adopting the title to House bill No. 17;

Which was agreed to.

And the question being, shall this be the title?

On motion by Mr. Turpie,

It was amended as follows:

A bill to give livery stable keepers and others engaged in the feeding of cattle, horses, hogs and other live stock, a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics, merchants and others, approved May 20th, 1852.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives that the Senate have passed the following engrossed bills thereof.

No. 11. An act to correct errors in the sale of school lands.

No. 12. A bill to authorize foreign guardians to sell real estate of their wards in this State.

No. 13. A bill to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13, 1852.

No. 14. A bill to prevent the forfeiture of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporated company in this State.

In which the concurrence of the House is respectfully requested.

Bills No. 11, 12, 13 and 14, contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

*Resolved*, The House concurring, that the General Assembly will, on Saturday, the 22d inst., at 10 o'clock, A. M., proceed to the election of an Agent of State.

In which the concurrence of the House is respectfully requested.

Which,

On motion by Mr. McDonald of Lake,

Was laid on the table.

By unanimous consent,

Mr. Hamrick obtained leave and offered the following resolution:

*Resolved*, That the President of the State Board of Agriculture be respectfully requested to report to this House, at his earliest conven-

ience, a full and explicit statement of receipts of all moneys appropriated to said society by law, together with a detailed statement of receipts from all other sources; and also a detailed statement of the expenditures of said society as compensation to officers, premiums, awards, and all other outlays, from its organization to the present time.

Which was agreed to.

By unanimous consent,

Mr. Druley obtained leave and offered the following resolution:

*Resolved*, That the select committee of one from each Congressional district, be instructed to inquire into the expediency of so amending the law as regards the interest on money as to allow higher rates on special contract, and to report to this House by bill or otherwise.

And the question being on the adoption of said resolution,

The ayes and noes were demanded by Messrs. McDonald of Lake and Graham.

*Those who voted in the affirmative were,*

Messrs. Bridges, Bundy, Burnett, Dodd, Druley, Durham, Emery, Farnsley, Fleming, Greene, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Jones of Boone, Lasselle, Lemmon, Lewis, Maxfield, McDonald of Lake, Milroy, Moss, Peckenpaugh, Pratt, Read, Rockefeller, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Spencer, Steele, Struble, Sutton, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—43.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Dunlavey, Dyer, Ferguson, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hicks, Howell, Johnson, Jones of Ripley, Laird, Lines, Lowe, Manville, Martin, McCormick, McClure, McDonnell of Sullivan, McKee, Orr, Price, Richardson, Seawright, Simpson, Stackhouse, Stephens, Stockwell, Taber, Tanner, Thomas, Turpie, and Mr. Speaker—50.

So the resolution was not adopted.

By unanimous consent, Mr. Steele obtained leave, and offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of reporting the laws in force previous to the revision of the same, on the subject of decedents' estates, instead of the bills now before them on that subject.

Which was agreed to.

Mr. Thomas moved that the House adjourn until Monday morning at 9 o'clock.

And the question being put,  
The ayes and noes were demanded by Messrs. Peckenpaugh and Orr.

*Those who voted in the affirmative were,*

Messrs. Able, Gootee, Henry, Howell, McDonald of Lake, Milroy, Moss, Scott, Spencer, Thomas, Walker of Laporte, Work, and Mr. Speaker—13.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, Orr, Peckenpaugh, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Walker of Rush, Wilson, and Yount—80.

So the motion was not agreed to.

By unanimous consent,

Mr. Stockwell obtained leave and offered the following resolution:

*Resolved*, That the use of the Supreme court room be tendered to Professor Lawrence for the purpose of delivering a free lecture upon the subject of Geology, on Monday evening at seven o'clock.

Which was agreed to.

On motion by Mr. Hammond,  
The House adjourned.



SATURDAY MORNING, 9 o'clock, }  
January 22d, 1853. }

House met pursuant to adjournment.

On motion by Mr. Lines,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Chapin, Clark, Cooper, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Peckenpaugh, Price, Read, Rockafellar, Scott, Seawright, Service, Shelby, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—68.

When,

On motion by Mr. Henry,

A further call was suspended.

The clerk proceeded to read the journal; when,

Mr. Hamrick moved to suspend the further reading thereof.

Which was disagreed to.

The journal was then read and adopted.

#### REPORTS FROM COMMITTEES.

Mr. Hendricks, from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 13, entitled "an act to amend an act entitled an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9th, 1852, have had the same under consideration, and have directed me to report the bill back with the following amendments, viz:

1st. Add to the title of the bill the following words, to-wit:

"Amending section 2, and repealing sections 3 and 7, of said act.

2d. Strike out all of the body of the bill, after the enacting clause, and substitute the following, to-wit:

"That section two (2) of said act which reads as follows: 'Notaries now in office may serve out the terms for which they were re-

spectively appointed; but hereafter no greater number shall be appointed than is in the next section provided,' be and the same is hereby amended so as to read as follows: Notaries now appointed may serve out the terms for which they were respectively appointed, and the Governor may appoint notaries public in the several counties whenever, in his judgment, the public interest would be thereby promoted.

SEC. 2. *Be it further enacted*, That sections three and seven of said act, be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its publication and circulation in the several counties of this State by authority.

With which amendments, your committee respectfully recommend the passage of the bill.

Which was concurred in, and the bill, as amended, ordered to be engrossed.

Mr. Turpie, from the committee on the judiciary made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred bill No. 15, entitled "an act to authorize circuit judges to practice law in certain cases," have had the same under consideration. The committee are of the opinion that such an enactment would interfere with the numerous and important duties of the judiciary, and that no sufficient cause can be assigned for such interference: they have therefore instructed me to report the bill back with a recommendation that it be indefinitely postponed.

When,

On motion by Mr. Scott,

The report and bill were laid on the table.

Mr. Farnsley, chairman of the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred resolution of the House No. 28 have had the same under consideration and have directed me to report, that legislation on the subject is unnecessary, the object contemplated in said resolution being the present law.

Which was concurred in.

Mr. McClure, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred a resolution instructing said committee to inquire into the expediency of

providing by a general law that three fourths of the directors, and he president or chief officers of all corporations heretofore, and hereafter created by the Legislature of the State of Indiana, shall be resident citizens of said State, and that the principal office or place of business of said corporation shall be within the same; have had the subject under consideration, and have directed me to report that it is inexpedient to legislate upon the subject.

Which was concurred in.

Mr. McDonald of Lake, from the committee on swamp lands, made the following report:

MR. SPEAKER:

The committee on swamp lands to which was referred "joint resolution of the House No. 11, in relation to instructing our Senators and Representatives, to endeavor to procure a law allowing the State of Indiana to tax all lands that may or have passed from the General Government, in the State for school purposes," have had the same under consideration, and directed me to report that under existing laws of the United States and of this State, all lands entered since the last session of the General Assembly belonging to the United States, all lands entered five years previous to that session, all lands granted to the State, and by her sold, or granted to citizens or companies, with certain exceptions, in favor of churches, colleges, &c., are taxable for school and other purposes, and that all lands entered or bought of the United States at any time previous to the last session of the General Assembly, will be taxable under existing laws as soon as the term of five years shall expire from the date of their entry, and that in their opinion no further legislation is required by Congress: they therefore recommend the indefinite postponement of the resolution and ask to be discharged, &c.

Which was concurred in.

And the joint resolution was indefinitely postponed.

#### RESOLUTIONS.

On motion by Mr. Struble,

*Resolved*, That the committee on education, be requested to examine the common school law to ascertain, whether in their opinion the county auditors are authorized to take the acknowledgement of mortgages, to secure the payment of the trust funds, and if so, will it not be necessary to make some compensation by law for such services, and report by bill or otherwise?

On motion by Mr. Donelson,

*Resolved*, That the committee on roads be instructed to inquire if the Legislature has the power, and if so, would it be practicable and expedient to diminish the width of the Michigan road, and report by bill or otherwise.

On motion by Mr. Scott,

*Resolved*, That the committee on banks, be instructed to inquire into the expediency of so amending the "general banking law of 1852," that there shall be a board of directors for each and every banking association established under such law, of not less than three, to be selected by such banking association, a majority of whom should be stockholders in such association, and resident citizens of this State, and that such resident directors shall take and subscribe an oath that they are bona fide stockholders in such banking association, and resident citizens of this State, with leave to report by bill or otherwise.

On motion by Mr. Hammond,

*Resolved*, That the committee on temperance be instructed to inquire into the expediency of repealing all laws in relation to granting license for selling intoxicating liquors, and report by bill or otherwise.

On motion by Mr. Chapin,

*Resolved*, That the committee on public expenditures be authorized to inquire into the expediency of so amending the law in relation to fencing the Tippecanoe battle ground, so as to authorize the commissioner to fence the same with iron or stone.

On motion by Mr. McDonald of Lake,

*Resolved*, That the agent of State be requested to report to this house the length of time he spent in New York city to attend to his duties, and the amount by him paid for office rent yearly, and whether he employs an agent, and if so what amount he pays said agent, and report at his earliest convenience.

On motion by Mr. Bridges,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws as to extend the grand jury system to courts of common pleas, giving said jury the same jurisdiction over criminal cases that said court may have, and report by bill or otherwise.

Mr. Brothwell offered the following resolution:

*Resolved*, That the members, clerks, and doorkeepers of this house be furnished each with one bound copy of the constitutional debates, for their private use.

Which,

On motion by Mr. Chapin,

Was referred to a select committee of three, consisting of Messrs. Chapin, Pratt, and Brothwell.

Mr. McDonald of Lake moved to reconsider the vote.

Which motion did not prevail.

On motion by Mr. Wilson,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of authorizing ten or more inhabitants of this State, to form themselves into a company for the purpose of improving the navigation of any navigable stream in this State, by erecting dams and locks, and charge the same tolls as are allowed on the Wabash and Erie canal, and report by bill or otherwise.

## JOINT RESOLUTIONS INTRODUCED.

Mr. Thomas obtained leave and introduced

No. 17. A joint resolution asking of congress a grant of all unsold lands in the State of Indiana for the use of common schools.

Which was read a first time and passed to a second reading.

## BILLS INTRODUCED.

Mr. Spencer obtained leave and introduced

No. 37. "A bill to change the time of holding circuit courts in the 10th judicial circuit."

Which was read a first time and passed to a second reading.

Mr. Dyer obtained leave and introduced

No. 38. "A bill entitled an act for the more uniform mode of solemnizing marriages and matters properly connected therewith."

Which was read a first time and passed to a second reading.

On motion by Mr. Dufour,

Leave of absence was granted to Mr. Dodd until Wednesday next at noon.

## ORDERS OF THE DAY.

*House Bills on second reading.*

No. 33. A bill to amend an act entitled an act regulating the relation of master and apprentice," approved May 27th, 1852.

Was read a second time;

When,

On motion by Mr. Burnett,

The bill was referred to the committee on the Judiciary.

No. 34. A bill amendatory of "an act to provide for a general and uniform system of common schools," approved June 14th, 1852.

Was read a second time,

When,

On motion by Mr. Henry,

The bill was referred to the committee on education.

No. 35. A bill to provide for annual reports of State officers, branches of State bank and benevolent institutions, to be made to the Governor.

Was read a second time.

When,

On motion by Mr. Hicks,

The bill was referred to a select committee, consisting of Messrs. Hicks, Underwood and Hendricks.

No. 36. A bill to prohibit the circulation of foreign bank bills under the denomination of ten dollars.

Which was read a second time.

Mr. Pratt moved to amend by inserting "five" in the place of "ten" where the same occurs.

Mr. Laird moved that the bill and amendment be referred to the committee on the rights and privileges of the inhabitants of the State.

Which was disagreed to.

When,

On motion by Mr. Work,

The bill and pending amendment were referred to the committee on banks.

#### SENATE BILLS ON SECOND READING.

No. 11. A bill to correct errors in the sale of school lands.

Was read a second time.

When,

On motion by Mr. Dunlavey,

The bill was referred to the committee on education.

No. 12. A bill to authorize foreign guardians to sell real estate of their wards in this State.

Was read a second time.

Mr. Pratt moved to refer the bill to the committee on the judiciary, with instructions to inquire whether the bill should not be extended so as to include foreign executors and administrators.

Which was agreed to.

No. 13. A bill to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13, 1852.

Was read a second time, when,

On motion by Mr. Steele,

The bill was referred to the committee on agriculture.

No. 14. "A bill to prevent the forfeiture of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in or made loans to any other incorporated company in this State.

Was read a second time.

Mr. Johnson moved to refer the bill to the committee on corporations.

When,

Mr. Laird moved to lay the bill on the table.

Which was agreed to.

#### HOUSE BILLS ON THIRD READING.

No. 4. A bill to amend section 30 of an act entitled "an act to establish courts of common pleas," approved May 14th, 1852.

Was read a third time; when,

On motion by Mr. Ryan,

The bill was laid on the table.

No. 5. A bill to extend the period within which the president and directors of the Delphi and Frankfort plank road company are required to complete the whole of that road, from four to seven years,

Was read a third time,

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Scott, Seawright, Service, Shoemaker, Stackhouse, Steele, Stevens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Rush, Wilson, Work, and Yount—78.

*Those who voted in the negative were,*

Messrs. Hammond, Howell, Rockafellar, Shelby, Simpson, and Mr. Speaker—6

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 25. A bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years in the State of Indiana in the year 1853;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Harris, Henry, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lines, Lowe, Manville, Maxfield, Martin, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Ferguson, Freeland, Gootee, Hartley, Henton, Lewis, Peckenpaugh, Rockafellar and Shelby—11.

So the bill passed; when,

On motion by Mr. McDonald of Lake,

The title was amended by adding, "and pay the officers for taking the same."

Ordered that the Clerk inform the Senate thereof.

No. 31. A bill to change the time of holding the courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties;

Was read a third time.

By unanimous consent,

On motion by Mr. Stockwell,

The bill was amended as follows: Strike out of section 1, as follows: "the Monday succeeding the end of each term in Vanderburgh county," and insert "the third Mondays of March, June, September and December of each year."

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Harris, Hartley, Henry, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Wilson, Yount, and Mr. Speaker—81.

Messrs. Burnett and Shelby voting in the negative—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTIONS ON THIRD READING.

No. 14. A joint resolution asking of Congress a grant of land to the State of Indiana, to aid in the construction of a railroad leading from Evansville to Crawfordsville.

Was read a third time.



Mr. Donelson moved to lay the joint resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Donelson and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brothwell, Donelson, Dunlavey, Ferguson, Fleming, Hammond, Henry, Henton, Howell, Jennings, Jones of Ripley, Lasselle, Lines, McClure, Moss, Pratt, Price, Richardson, Rockafellar, Simpson, Spencer, Stephens, Struble, Thomas, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—31.

*Those who voted in the negative were,*

Messrs. Able, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dufour, Durham, Dyer, Emery, Farnsley, Freeland, Gentry, Goodman, Graham, Hamrick, Harris, Hartley, Hooper, Hunt, Jones of Jennings, Lemmon, Lewis, Lowe, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Orr, Peckenpaugh, Read, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Steele, Stockwell, Sutton, Taber, Tanner, and Turpie—51.

So the joint resolution was not laid on the table.

On motion by Mr. McCormick,

Leave of absence was granted to Mr. Handy until Monday next.

The question recurring on the passage of joint resolution No. 14,

Mr. Druly moved to indefinitely postpone said joint resolution.

Pending which,

Mr. Milroy moved the House adjourn.

When,

On motion by Mr. Chapin,

The House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, 9 o'clock, }  
January 24th, 1853. }

The House met pursuant to adjournment.

The Journal of Saturday was read and adopted.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House without amendment :

No. 18. A bill to legalize certain State, Wabash and Erie canal certificates.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following joint resolution of the House :

No. 8. A joint resolution to instruct our Senators, and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers.

Without amendment.

The Speaker laid before the House the following communication from the Auditor of State, with the accompanying report, in answer to a resolution of the House :

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Jan. 22, 1853. }

Hon. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—In answer to a resolution of the House, I submit the following statement showing the names, location, capital and names of stockholders of the several banks organized, or for which applications are filed, under the act approved May 28th, 1852, to-wit :

**STATEMENT showing the names, location, capital, and names of Stockholders of the several Banks organized, or for which applications are filed, under the act approved May 28th, 1852, to-wit:**

NAMES OF BANKS.	LOCATION.	CAPITAL.	NAMES OF STOCKHOLDERS
Bank of Connersville.....	Connersville....	\$500,000	B. F. Sanford, Jno. D. Park, Geo. Frybargar, Chas. Phelps. A. DeGraff, E. F. Drake. P. Burnett Taylor.
State Stock Bank of Indiana.....	Peru.....	200,000	Stephen H. Ives, Caleb Ives, C. E. Bresler, Isaac Kellum.
Plymouth Bank.....	Plymouth.....	50,000	Jacob D. Early, Thos. Dowling
Indiana Stock Bank.....	Laporte.....	50,000	Callom H. Bailey, C. W. Barbour, Alex. McGregor, Lucius Rice, Jas. Farrington, Levi G. Warren, Henry K. Wilson, Wm. D. Griswold, Jas. H. O'Boyle, Danl. A. Jones, B. R. Whitcomb, John W. Davis, John H. O'Boyle, Jas. H. Turner, Saml. B. Gookins, Chas. Cruft, N. W. Graham.
Prairie City Bank.....	Terre Haute....	200,000	Joseph H. Williams, Charles B. Wright.
Southern Bank of Indiana.....	Terre Haute....	100,000	W. H. Marston.
Public Stock Bank.....	Newport.....	100,000	John P. Sherwin.
Bank of North America.....	Newport.....	50,000	O. Benedict.
Government Stock Bank.....	Lafayette.....	50,000	Charles M. Wheelock.
Gramercy Bank.....	Lafayette.....	100,000	A. W. Wright.
Merchants' Bank.....	Lafayette.....	50,000	D. K. Robinson.
State Stock Bank.....	Logansport....	50,000	Philo Buckingham, Jno. W. Wright, Jas. W. Dunn, J. Culbertson, D. M. Dunn, Israel Johnson, W. Brown, Cyrus Taber, Geo. Cecil, Stephen C. Taber, I. H. Wilson, P. Pollard, George B. Walker, W. L. Brown, David Foster.
Wabash Valley Bank.....	Logansport....	200,000	Anthony Defrees, Jr.
City Bank.....	Indianapolis....	500,000	A. DeGraff, E. F. Drake.
City Bank of Indianapolis.....	Indianapolis....	500,000	A. DeGraff, E. F. Drake.
Bank of Richmond.....	Richmond.....	500,000	James R. Mendenhall, Lewis Burk, Wm. W. Snyder, David P. Holloway.
Bank of Richmond.....	Richmond.....	500,000	Orange W. McKinney, Henry O. Gilbert.
Bank of Indiana.....	Indianapolis....	400,000	I. S. Drake, J. H. Forsman.
State Stock Bank of Madison....	Madison.....	500,000	David White, Jno. R. Cravens, A. C. Lanier, Norman M. Ross.
Commercial Bank of Madison....	Madison.....	200,000	Nathan Powell.
Madison City Bank.....	Madison.....	500,000	John S. Davis.
City Bank of New Albany.....	New Albany....	500,000	Ithamar S. Drake, Joseph H. Forsman.
State Stock Bank of New Albany.	New Albany....	300,000	George W. McCollum.
Traders' Bank of Terre Haute....	Terre Haute....	100,000	Charles Sanford.
Merchants' Bank.....	Terre Haute....	50,000	P. A. Hackleman, Asahael W. Hubbard, Lewis Maddux.
Bank of Eastern Indiana.....	Rushville.....	500,000	A. DeGraff, E. F. Drake.
Bank of Lawrenceburgh.....	Lawrenceburgh..	500,000	James H. Barnes, Joseph H. Defrees, Chauncey S. Hascall.
Bank of Goshen.....	Goshen.....	200,000	Clinton I. Colgate.
State Stock Security Bank.....	Newport.....	50,000	Jno H. Harper, Aaron B. Ellsworth, George W. Mathews, Schuyler Colfax.
Bank of Northern Indiana.....	South Bend....	200,000	Willard Carpenter, Robert Barnes, John M. Stockwell, Samuel Hall.
Canal Bank.....	Evansville.....	100,000	W. C. DePauw, Geo. Lyman.
Bank of Salem.....	Salem.....	250,000	Hamilton Smith, Benjamin F. Sanford.
Bank of Cannelton.....	Indianapolis....	800,000	

Total number of Banks..... 33  
 Total amount of capital..... \$8,850,000  
 Total number of stockholders..... 97

**E. W. H. ELLIS,**  
*Auditor of State.*

On motion by Mr. McDonald of Lake,  
The report was laid on the table, and 500 copies ordered to be printed.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Buell:

Two petitions from sundry citizens of the State of Indiana, on the subject of temperance.

Which were referred to the committee on Temperance.

By Mr. Graham:

A petition from sundry citizens of Knox county, on the subject of annexing a portion of said county to the county of Pike.

Which,

On motion,

Was referred to a select committee, consisting of Messrs. Graham, Able and Freeland.

By Mr. Orr:

A petition from one hundred citizens of Delaware and Madison counties, praying the passage of a law allowing the owners of land along the Indianapolis and Bellefontaine railroad, compensation from the company of said road for lands destroyed by said company.

Which,

On motion,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. Speaker:

A petition from sundry citizens of the State of Indiana on the subject of temperance.

Which was referred to the committee on Temperance.

By Mr. Hunt:

A petition from sundry citizens of Wayne county on the subject of temperance.

Which was referred to the committee on temperance.

By Mr. Read:

A petition from Mr. Hulse of Clark county, for damages sustained by him in digging a sewer from the State Prison through his lands.

Which,

On motion,

Was referred to the committee on claims.

#### REPORTS FROM COMMITTEES.

Mr. Lasselle, from the committee on Ways and Means, made the following report:

**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred a resolution of the House instructing them to inquire into the expediency of allowing county recorders a special sum for recording each deed, mortgage or other instrument, have had the same under consideration, and have directed me to report, that in the opinion of your committee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Seawright, from the committee on ways and means made the following report :

**MR. SPEAKER :**

The committee on Ways and Means to whom was referred a resolution instructing them to inquire into the expediency of repealing the law organizing State, District and county boards of equalization, have had the same under consideration, and have directed me to report that in the opinion of your committee, it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. McDonald of Lake, chairman of the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The committee on the Judiciary, to which was referred resolution of the House, No. 12, requiring them to inquire into the utility and expediency of an act entitled an act establishing a court of common pleas, approved May 14, 1852, and report by bill or otherwise, have had the same under consideration, and have directed me to report that they deem it inexpedient to legislate on the subject at this session of the General Assembly, for the following reasons: as they understand in very few instances has the law been acted upon so as to enable the people to judge of its utility. That the utility of the law will depend, very much upon the action of the people in appointing or electing honest, competent and efficient judges as administrators thereof.

Believing as they do, that the utility of any system of probate, whatever that may be devised, depends almost entirely upon the capacity, ability and integrity of the person elected or appointed by the proper power to carry it into effect: they are and will be unable to judge of the utility and convenience of the law until they are enabled to ascertain the competency and ability of those persons elected by the people to carry the said law into effect, and believing as they do that the people are fully capable to select and elect the most proper

persons out of any number offering to be elected to the office of common pleas judge, yet they may in many instances be denied the privilege of selection among the most competent persons in the district, because the salary paid may be too small to induce persons possessing the necessary qualifications to offer themselves for the office. To such causes without doubt may be traced the prejudice against and the failure of the old system to meet with the confidence of the people. If such should be the fate of the present system, it would be an evidence of its inutility, not because of the want of proper machinery to accomplish a given purpose, but the want of a competent and skillful engineer to work it, and the remedy may be found in three several ways, if necessary, either to increase the pay of judges in the present districts, to take effect on new elections, to increase the size of the district, and increase the pay of the judge thereof, without more cost to the people; or to increase the number of circuit courts, and transfer the probate business to them, a transition to either of which two last systems would be natural and easy, and without any more expense than the present system. The committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a resolution requiring them to report a bill, in accordance with the constitution of the State, properly defining "juvenile offenders and offences," if the law of 1852 in respect to crime and punishment does not, have had the same under consideration, and have directed me to make the following report:

There is no provision in the constitution of this State, requiring the General Assembly to enact such a law, as seems to be contemplated by the resolution. Neither is there any such law on our statute books. It would be very difficult, if not utterly impossible, to justly define by law, the precise age, at which the act of every infant should be regarded an "offence." That should depend, as it now does, upon the discretion of the person—upon his ability to discriminate between right and wrong, rather than upon his age. One, owing to premature physical and intellectual developments, may be more capable of committing a crime at the age of twelve years, than another is at the age of sixteen or even twenty years.

The manner in which "juvenile offenders and offences" should be punished, is another question, and one which was not referred to the committee. The committee, therefore, ask to be discharged from the further consideration of the resolution;

Which was concurred in.

Mr. Jones of Ripley asked leave to change his vote on the passage of House bill No. 25;

Which was granted.

Mr. Moss, chairman of the committee on the Organization of courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of courts of Justice, to whom was referred House bill No. 7, have had the same under consideration, and have directed me to report the following amendments, and when so amended, respectfully recommend its passage.

Amend the first section by striking out all after the words "February and August," and before "in the county of Tipton," and insert the following: In the county of Hamilton on the Tuesday next after the third Mondays in March and September; in the county of Johnson on the Tuesdays next after the first Mondays in April and October; in the county of Hancock on the Tuesdays next after the third Mondays in April and October; in the county of Madison on the Tuesdays next after the first Mondays in May and November; in the county of Hendricks on the Tuesdays next after the third Mondays in May and November.

On motion by Mr. Buell,

The bill was considered as engrossed, and read a third time; when,

On motion by Mr. Parker,

The bill was recommitted with the following instructions:

"Amend so as to have the courts in the county of Tipton on the Tuesdays succeeding the courts in Hamilton county."

Mr. Pratt from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution that the members, clerks, and doorkeepers of the House, be furnished each with one bound copy of the Constitutional Debates for their private use, have, in compliance with what they understood to be the wishes of the House in making such reference, made inquiry of the number of copies of the Debates belonging to the State; that number they are informed by the Librarian, is sixty-five and no more; hence a distribution of the kind contemplated by the resolution, is not practicable. They further learn that a distribution has been made of two copies of this work to each of the counties in the State, one for the Clerk's office, the other for the county library, and the committee ask to be discharged.

Which was concurred in.

## RESOLUTIONS INTRODUCED.

On motion by Mr. McDonald of Lake,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of requiring the list of personal property furnished the assessor, to specify the ages of horses, mules, and cattle, under one year, over one and under two, over two and under three, and all over four years of age and report by bill or otherwise.

On motion by Mr. Durham,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of having jurors in the common pleas courts selected and empannelled in the same manner as in circuit courts; and also as to the expediency of allowing appeals from the common pleas court, except in cases where questions of law only are involved.

On motion by Mr. Buell,

*Resolved*, That the use of this Hall be granted, on Monday evening next, the 31st inst., to the Indiana State Historical Society, for a public lecture by N. Bolton, Esq., State Librarian, on the early history of Indianapolis and central Indiana, for the first ten years after their settlement by the whites—from 1820 to 1830.

Mr. Lines offered the following preamble and resolution:

WHEREAS, This House has been memorialized by divers citizens of this State on the subject of temperance, who have certified to this House, that intemperance is a moral, political and social evil and are praying relief; be it therefore,

*Resolved*, That the committee on Temperance be instructed to inquire into the propriety of repealing all laws on the traffic of spirituous liquors, and subject every person of this State who shall sell or give away, or suffer to be sold or given away in or about his, her or their premises, in said State, any kind of intoxicating liquors, to the annoyance of any person of said State, for every such offense, to fine not less than twenty-five nor more than one hundred dollars, and in order to a speedy prosecution in all such cases, give each justice of the peace concurrent jurisdiction with the courts of common pleas and circuit courts, and issue compulsory process for witness in such cases.

Which was disagreed to.

On motion by Mr. Simpson,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating fees and salaries, that the per diem of county commissioners shall be two dollars per day, instead of three dollars per day, to report by bill or otherwise.

On motion by Mr. Work,

*Resolved*, That the committee on County and Township Business



inquire into the expediency of dividing the township into three districts, for civil purposes, and report by bill or otherwise.

On motion by Mr. Clark,

*Resolved*, That the committee on Public Expenditures be instructed to inquire into the expediency of so amending the law to allow township trustees doing township business each to receive as a compensation the sum of one dollar per day, while actually engaged as such.

On motion by Mr. Dufour,

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of requiring every banking institution in this State organized or that may hereafter be organized under the general banking law, to own a town lot in every town or city that such bank may be located, and to erect there a suitable banking house, the said lot and house to be worth, at least, five thousand dollars, and report by bill or otherwise.

Mr. Chapin offered the following resolution:

*Resolved*, That the Principal Clerk of the House be authorised to call on the publishers of the "Locomotive," ascertain our indebtedness, and certify the same to the Auditor of State, and that we discontinue our patronage to said paper.

When,

On motion by Mr. Ferris,

The resolution was laid on the table.

Mr. Milroy offered the following resolution:

*Resolved*, That the committee on Agriculture be instructed to inquire into the expediency of enacting a law to prevent the killing of deer, between the first of March and the first of October of each year.

Mr. Manville moved to add coons.

Which was disagreed to.

The question then recurring on the resolution,

It was agreed to.

Mr. Taber moved to reconsider the vote taken on Mr. Orr's resolution, instructing the committee on Education to inquire into the expediency of providing some efficient system for the education of children of color.

Which motion did not prevail.

On motion by Mr. McDonald of Lake,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the expediency of providing by law for the selection, by the board of county commissioners, of one student for each county, to attend the Wabash College, free of charge, and report by bill or otherwise.

On motion by Mr. Moss,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing section 103 of an act "con-

cerning the mode of proceeding in criminal cases, &c., and to report by bill or otherwise.

#### JOINT RESOLUTIONS INTRODUCED.

Mr. Manville obtained leave and introduced,

No. 18. A joint resolution asking a donation of lands from the General Government, to aid in the completion of the Columbus, Nashville and Bloomington plank road, the dividends arising from the proceeds thereof, to be appropriated to the common school fund of the State.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

Mr. Donald obtained leave and introduced

No. 39. A bill to more particularly define the boundary line between the counties of Gibson and Warrick.

Which was read a first time and passed to a second reading.

Mr. Graham obtained leave and introduced

No. 40. A bill to exempt property from sale in certain cases, and to repeal an act therein mentioned.

Which was read a first time, and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 41. A bill to amend an act entitled, "an act to establish courts of common pleas, and defining the jurisdiction, and duties of, and providing compensation therefor," approved May 14th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Gentry obtained leave and introduced

No. 42. A bill to amend an act entitled "an act to establish and regulate ferries."

Which was read a first time, and passed to a second reading.

Mr. Service obtained leave and introduced,

No. 43. A bill to fix the time of holding courts in the ninth judicial circuit, and the length of the terms.

Which was read a first time and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 44. A bill to amend an act entitled "an act to authorize boards doing county business to declare water courses navigable."

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication from the Auditor of State, with the accompanying report:

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, Jan. 24, 1853. }

HON. O. B. TORBET,

*Speaker of House of Representatives:*

SIR :—Please lay before the House the accompanying abstract of the first semi-annual report of the condition and operations of the free banks in the State of Indiana, on the first Monday of January 1853, and oblige,

Very respectfully, &c.,

E. W. H. ELLIS,  
*Auditor of State.*

BANK OF CONNERSVILLE, AT CONNERSVILLE.

Amount of capital paid in.....	\$578,695 00
Value of real estate.....	10,000 00
Debts due from monied associations .....	8,629 50
Debts due to monied associations.....	1,095 27
Other debts payable on demand.....	17,448 43
Notes, bills, or other evidences of debt issued.....	356,099 37
Average amount of debts due the bank in August, 1852 ..	86,720 50
Average amount of debts due the bank in Sept., 1852 ..	125,402 64
Average amount of debts due the bank in October, 1852 .....	240,127 74
Average amount of debts due the bank in November, 1852 .....	319,658 96
Average amount of debts due the bank in December, 1852 .....	407,083 65
Average amount of specie in bank in August, 1852, ..	9,655 82
Average amount of specie in bank in Sept., 1852....	12,552 92
Average amount of specie in bank in Oct., 1852....	19,788 53
Average amount of specie in bank in Nov., 1852....	31,947 59
Average amount of specie in bank in Dec., 1852....	40,080 86
Amount of bills and notes issued by the bank in August, 1852.....	20,000 00
Amount of bills and notes issued by the bank in September, 1852 .....	57,519 00
Amount of bills and notes issued by the bank in Oct., 1852 .....	124,119 00
Amount of bills and notes issued by the bank in November, 1852.....	184,000 00
Amount of bills and notes issued by the bank in December, 1852 .....	257,500 00
Average amount due the bank from shareholders in November, 1852.....	5,000 00

Average amount due the bank from shareholders in December, 1852.....	5,000 00
Greatest amount due the bank from shareholders in November, 1852.....	5,000 00
Greatest amount due the bank from shareholders in December, 1852.....	5,000 00

*Names of Stockholders.*

Geo. Frybarger, B. F. Sanford, John D. Park and Charles Phelps.

*Securities deposited with Auditor of State.*

Indiana five per cent. stocks.....	378,500 00
Indiana two and a half per cent. stocks.....	390 00
Total on first January, 1853.....	<u>\$378,890 00</u>

STATE STOCK BANK OF INDIANA, AT PERU.

Amount of capital paid in.....	\$45,342 00
Debts due the bank from monied associations.....	1,312 37
Debts due from the bank to monied associations.....	1,509 52
Amount of notes or bills issued by the bank.....	25,000 00
Average amount of specie in bank in Nov., 1852...	5,126 88
Average amount of specie in bank in Dec., 1852....	5,305 90
Amount of bills or notes issued on first Dec., 1852..	25,000 00

*Names of Stockholders.*

Andrew DeGraff, Elias F. Drake.

*Securities deposited with Auditor of State.*

Indiana five per cent. stecks.....	20,000 00
Indiana two and a half per cent. stocks.....	50,684 00
Total on 1st January, 1853.....	<u>\$70,684 00</u>

INDIANA STOCK BANK, AT LAPORTE.

Amount of capital paid in.....	50,000 00
Amount of debts due to monied associations.....	712 97
Other debts payable on demand.....	9,606 86
Notes, bills, or other evidences of debt issued.....	22,032 00
Average amount of debts due the bank in Nov., 1852,	40,000 00

Average amount of debts due the bank in December, 1852.....	30,000 00
Average amount of debts due from the bank in November, 1852.....	5,000 00
Average amount of debts due from the bank in December, 1852.....	7,500 00
Average amount of specie in bank in Nov., 1852....	2,250 00
Average amount of specie in bank in Dec., 1852....	4,725 00
Amount of bills or notes issued by the bank December 1, 1852.....	7,252 00

*Names of Stockholders.*

S. H. Ives, I. Smith Kellum, Caleb Ives and C. E. Bresler.

*Securities deposited with Auditor of State.*

Michigan six per cent. stocks.....	\$26,156 00
Indiana five per cent. stocks.....	9,000 00
Total on 1st January, 1853.....	<u>\$35,156 00</u>

STATE STOCK BANK, AT LOGANSFORT.

Amount of capital paid in.....	\$115,000 00
Amount due from monied associations.....	98,255 40
Debts of the bank payable on demand.....	50,000 00
Notes or bills issued by the bank.....	100,000 00
Average amount of debts due the bank in November, 1852.....	64,100 00
Average amount of debts due the bank in December, 1852.....	98,255 40
Average amount of debts due from the bank in November, 1852.....	50,000 00
Average amount of debts due from the bank in December, 1852.....	51,666 00
Average amount of specie in bank in Nov., 1852....	6,000 00
Average amount of specie in bank in Dec., 1852....	11,666 00
Bills or notes issued by bank Nov. 1, 1852.....	13,000 00
Bills or notes issued by bank Dec. 1, 1852.....	100,000 00
Capital increased in last six months.....	65,000 00

*Name of Proprietor.*

D. K. Robinson.

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*Securities deposited with Auditor of State.*

Indiana five per cent. stocks..... \$115,000 00

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**WARASH VALLEY BANK, AT LOGANSFORT.**

Amount of capital paid in..... \$50,000 00  
 Debts due from monied associations..... 4,200 00  
 Bills or notes issued..... 2,100 00

*Names of Proprietors.*

Philo Buckingham, John W. Wright, James W. Dunn, J. Culbertson, David M. Dunn, Israel Johnson, W. Brown, Cyrus Taber, Stephen C. Taber, George Cecil, T. H. Wilson, P. Pollard, Geo. B. Walker, W. L. Brown, David Foster.

*Securities deposited with Auditor of State.*

Louisiana six per cent. stocks..... \$50,000 00

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**GOVERNMENT STOCK BANK, AT LAFAYETTE.**

Amount of capital paid in..... \$50,000 00  
 Notes or bills issued..... 50,000 00  
 Debts due the bank in October, 1852..... 40,000 00  
 Debts due the bank in November, 1852..... 50,000 00  
 Debts due the bank in December, 1852..... 50,000 00  
 Average amount of debts due from the bank in October, 1852..... 40,000 00  
 Average amount of debts due from the bank in November, 1852..... 50,000 00  
 Average amount of debts due from the bank in December, 1852..... 50,000 00  
 Average amount of specie in bank in Nov., 1852..... 1,000 00  
 Average amount of specie in bank in Dec., 1852..... 1,000 00  
 Bills or notes issued 1st November, 1852..... 40,000 00  
 Bills or notes issued 1st December, 1852..... 50,000 00

*Name of Proprietor.*

Odin Benedict.

*Securities deposited with Auditor of State.*

Indiana five per cent. stocks..... \$50,000 00

## GRAMERCY BANK, AT LAFAYETTE.

Amount of capital paid in.....	\$12,500 00
Notes or bills issued.....	12,000 00
Specie in bank, December 1, 1852.....	2,000 00

*Name of Proprietor.*

C. M. Wheelock.

*Securities Deposited with Auditor of State.*

Indiana five per cent. State stocks.....	\$12,500 00
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## PUBLIC STOCK BANK, AT NEWPORT.

Amount of capital paid in.....	\$64,000 00
Notes or bills issued by bank.....	54,000 00
Debts due the bank in November, 1852.....	16,000 00
Debts due the bank in December, 1852.....	31,196 00
Debts due from the bank in November, 1852.....	25,000 00
Debts due from the bank in December, 1852.....	33,000 00
Average amount of specie in bank in Nov., 1852.....	3,000 00
Average amount of specie in bank in Dec., 1852.....	5,500 00
Bills or notes issued November 1, 1852.....	24,000 00
Bills or notes issued December 1, 1852.....	32,000 00
Increase of capital in last six months.....	14,000 00

*Name of Proprietor.*

William H. Marston.

*Securities Deposited with Auditor of State.*

Indiana five per cent. stocks.....	\$64,000 00
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## PLYMOUTH BANK, AT PLYMOUTH.

Amount of capital paid in.....	\$45,000 00
Notes or bills issued by bank.....	12,000 00
Average amount of specie in bank in Oct., 1852.....	300 00
Average amount of specie in bank in Nov., 1852.....	800 00
Average amount of specie in bank in Dec., 1852.....	1,300 00
Bills or notes issued December 1, 1852.....	9,000 00

*Name of Proprietor.*

P. Burnett Taylor.

*Securities Deposited with Auditor of State.*

Indiana five per cent. State stocks..... \$45,000 00

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PRAIRIE CITY BANK, AT TERRE HAUTE.

Amount of capital paid in.....	\$147,500 00
Debts due from monied associations.....	2,320 00
Bills or notes discounted .....	131,400 00
Debts payable on demand .....	75,199 58
Notes or bills issued .....	81,985 00
Debts due the bank in December, 1842.....	100,050 00
Amount of specie in bank in December, 1852.....	15,375 00
Due the bank from shareholders in December, 1852..	66,894 60
Greatest amount due from shareholders in Dec., 1852,	99,300 00

*Names of Stockholders.*

Jacob D. Early, Levi G. Warren, John W. Davis, Thomas Dowling, Henry K. Wilson, John H. O'Boyle, Callom H. Bailey, William D. Griswold, James H. Turner, Cromwell W. Barbour, James H. O'Boyle, Samuel B. Gookins, Alexander McGregor, Daniel A. Jones, Charles Cruft, Lucius Rice, B. R. Whitcomb, N. W. Graham, James Farrington.

*Securities Deposited with Auditor of State.*

Tennessee six per cent. State stocks.....	\$6,000 00
Indiana five per cent. State stocks.....	123,000 00

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Total on first January, 1853..... \$129,000 00

All of which is respectfully submitted:

E. W. H. ELLIS,

*Auditor of State.*

INDIANAPOLIS, January 24, 1853.



When;

On motion by Mr. McDonald of Lake,

The report was laid on the table, and 500 copies ordered to be printed for the use of this House.

Mr. Gentry obtained leave and introduced

No. 45. A bill to amend an act touching official bonds and oaths, approved June 9th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 46. A bill to amend an act entitled an act for the incorporation of insurance companies, defining their powers, and prescribing their duties, approved June 17th, 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

The question pending at last adjournment, was on the motion of Mr. Druley to indefinitely postpone joint resolution of the House No. 14,

When, by consent of the House, Mr. Druley withdrew the motion to indefinitely postpone.

Mr. Shelby moved to refer the joint resolution to the committee on Canals and Internal Improvements, with instructions to amend so as to include all the undisposed of public lands in the Vincennes district to be appropriated to the construction of all of the internal improvements of the district, which are now surveyed.

Mr. Graham moved to amend the instructions as follows:

Add "or may be incorporated in said district within one year, for similar purposes."

Mr. Donelson moved to lay the motion to refer the joint resolution with instructions, and the amendment to said instructions, on the table.

Which motion did not prevail.

The question then recurring on the adoption of Mr. Graham's amendment to the instructions,

It was agreed to.

And the question then being on referring the joint resolution with the instructions as amended,

It was disagreed to.

The question then being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Catlin, Chapin, Clark, Donald, Dyer, Farnsley, Free-

land, Gentry, Graham, Hamrick, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, Read, Scott, Shelby, Steele, Stockwell, and Turpie—20.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Ferris, Ferguson, Fleming, Gootee, Hammond, Harris, Hartley, Henry, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, Milroy, Moss, Orr, Parker, Peckenaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Taber, Tanner, Thomas, Wilson, Work, Yount, and Mr. Speaker--66.

So the joint resolution did not pass.

On motion by Mr. Buell,

The House proceeded to the consideration of the special order of the day, to-wit:

House bill No. 1. A bill to create a bank department, and otherwise amend an act entitled an act to authorize and regulate the business of general banking, approved May 28, 1852,

Which had been read a second time.

Mr. Torbet offered the following amendments to said bill, to-wit:

Amend by striking out sections 7 and 8, and inserting in their stead, the following:

Sec. 7. The proprietors of any bank or banking association shall have power at any time to change the name or location of such bank, on filing notice of such intention in the office of Secretary of State and of the superintendent of the banking department, and making publication of the same for three months in two newspapers published in the city of Indianapolis; but no such change shall release such bank, banks, or banking association from any liability previously incurred, and all bills previously issued shall be withdrawn from circulation, and in lieu thereof, the said bank shall be entitled to issue bills payable at such new location; *provided*, that said bank shall keep an office for the redemption of its circulation at such original location until the same shall be withdrawn according to law.

Sec. 8. Whenever any bank or banking association shall desire to go into voluntary liquidation, the superintendent shall, upon surrender of seventy-five per cent. of its circulation, return to the

proper officer an equal amount of the stocks held by him in trust for such bank, and from time to time shall, in like manner, exchange for such other amounts of circulation as may be redeemed, and after notice published for two years in two newspapers in the city of Indianapolis, and in a newspaper published where such bank is located, if any, it shall be lawful for the superintendent to surrender the remaining stocks in his hands, provided that the personal liability of the shareholder in such bank shall continue for all outstanding issues, and that the officers of such bank shall state under oath, that within the two years aforesaid, they have not reissued any of said circulation so redeemed, but have deposited all of the same with the said superintendent.

Amend by inserting the following sections between sections 13 and 14.

Sec. — No bank shall hereafter go into operation without a directory of, at least, three resident freehold citizens of the State owning not less than ten per cent. of the capital stock thereof.

Amend section 12, by inserting after the word "out" in the 2d line, the words "for circulation within the State."

On motion by Mr. Milroy,

The House adjourned.

2 o'clock, P. M.

House met.

On motion by Mr. Turpie,

Leave of absence was granted to Mr. Milroy on account of sickness in his family.

The House resumed the consideration of bill No. 1; when,

On motion by Mr. McDonald of Lake,

The bill and pending amendments were referred to a select committee, consisting of one from each congressional district.

#### ORDERS OF THE DAY RESUMED.

No. 37. A bill to change the time of holding circuit courts in the 10th Judicial Circuit.

Was read a second time; when,

On motion by Mr. Hooper,

The bill was referred to a select committee; consisting of Messrs. Brothwell, Hooper, and Jennings.

No. 38. A bill entitled an act for the more uniform mode of solemnizing marriages and matters properly therewith connected.

Was read a second time.

Mr. Manville moved to amend by adding "notaries public and county commissioners," to those authorized to solemnize marriages.

Mr. Johnson moved to refer the bill and pending amendment to the committee on the Judiciary.

Mr. Seawright moved to change the reference to the committee on the Rights and Privileges of the Inhabitants of the State.

Which was disagreed to.

The question then recurring on Mr. Johnson's motion,

It was agreed to.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 17. A joint resolution asking of Congress a grant of all unsold lands in the State of Indiana for the use of common schools;

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 13. A bill relative to Notaries Public;

Was read a third time, and the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Bundy, Burnett, Catlin, Clark, Cooper, Dufour, Dunlavey, Durham, Dyer, Gootee, Hamrick, Hendricks, Henton, Hicks, Hooper, Howell, Jennings, Johnson, Laird, Lines, McDonald of Lake, Moss, Pratt, Read, Ryan, Scott, Service, Shelby, Simpson, Spencer, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Walker of Laporte, and Wilson—41.

*Those who voted in the negative were,*

Messrs. Ballard, Brothwell, Chapin, Donald, Donelson, Druley, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Graham, Hammond, Harris, Hartley, Henry, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Price, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Stackhouse, Steele, Stephens, Taber, Walker of Rush, Yount and Mr. Speaker—50.

So the bill did not pass.

A message from the Senate by Mr. Sites their Secretary:

MR. PRESIDENT:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House without amendment:

No. 11. A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business with such common name.

The Speaker laid before the House the following communication from His Excellency the Governor, with the accompanying reports:

INDIANAPOLIS, January 24, 1853.

HON. OLIVER B. TORBET,

*Speaker of the House of Representatives:*

SIR:—I enclose you the reports of the Auditor of State, and Treasurer of the State Board of Agriculture, in answer to the resolution of the House upon that subject.

Respectfully yours,

JOSEPH A. WRIGHT,

*President of the State Board of Agriculture.*

Which reports,

On motion by Mr. Seawright,

Were laid on the table and 200 copies ordered to be printed.

The Speaker laid before the House the following communication and the accompanying report from the Agent of State.

INDIANAPOLIS, January 24, 1853.

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—Please lay before the House of Representatives the annual report of the Agent of State, herewith accompanying.

Very respectfully,

A. MAY,

*State Agent.*

Mr. Hicks moved to lay the report on the table and that 200 copies be printed.

Mr. Henry moved to amend by printing 500.

Which was disagreed to.

The question then recurring on Mr. Hicks' proposition to print 200,

It was agreed to.

A message from the Senate by Mr. Sites their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 15. A bill extending the admissibility of Records in evidence.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their secretary :

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 18. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Thomas, chairman of the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills, to whom was referred bill of the House No. 12, and joint resolution No. 8, have examined the same, and find them correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Freeland,

Messrs. Gootee and Sutton were added to the select committee already appointed, on a petition asking a portion of Knox county to be added to the county of Pike.

By unanimous consent, Mr. Burnett obtained leave and presented A petition from sundry citizens of the State of Indiana, on the subject of temperance.

Which was referred to the committee on Temperance.

On motion by Mr. Thomas,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }  
January 25th, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Orr:

A petition from sundry citizens of Delaware county, praying the passage of a law, allowing Henry Pettinger to redeem a certain tract of land, on the payment of a certain loan, all interest and costs.

Which,

On motion,

Was referred to a select committee consisting of Messrs. Orr, Pratt, and Henton.

By Mr. Walker of Rush:

A petition from twenty-six voters of Rush county on the subject of temperance.

Referred to the committee on Temperance.

By Mr. Henton:

A petition from sundry citizens of Miami county to legalize the acts of the present school officers, and direct the distribution of the school funds for this winter agreeably to the old law.

Which,

On motion,

Was referred to a select committee consisting of Messrs. Henton, Orr and Shuman.

By Mr. Hendricks:

A petition from J. W. Cummins on the subject of a re-adjustment of the three per cent. fund.

Which,

On motion,

Was referred to a joint select committee consisting of Messrs. Hendricks, Read and Moss, on the part of the House.

Ordered that the Clerk inform the Senate thereof.

REPORTS FROM COMMITTEES.

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 18, on its third reading, with instructions to make a certain

amendment thereto, report that they have performed their duty, by adding the following amendment to the third section of the bill, to-wit:

*Provided, however,* That nothing herein contained shall be construed to dispense with the use of seals by justices of the peace where their acts are required to be authenticated by a law.

Which was concurred in.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Hammond, Hamrick, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis. Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—94.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred the petition of Stephen Clark and others, praying the Legislature to pass a law exempting from taxation the provisions necessary for each family for each fiscal year, and also to pass a law allowing millers for grinding grain one-tenth part only instead of one-eighth, have had the same under consideration, and directed me to report that article 10, section 1st of the constitution directs "that the General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property both real and personal, excepting such only for municipal, literary, scientific, religious or charitable purposes as may be specially exempted by law;" it is clearly then the duty of the State to tax all property unless the same falls under one of the exceptions mentioned in said section.



The committee are therefore of the opinion that any law passed exempting from taxation the property mentioned in said petition, would be unconstitutional.

The committee are also of the opinion that it would be unjust and inexpedient to reduce the toll now allowed to millers for grinding grain, as the present law gives them only a just compensation for their services. The committee would therefore ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Scott, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee to whom resolution No. 23 upon the subject of persons dying without heirs was referred, have had the subject of said resolution under advisement, and have directed me to report, that in the opinion of such committee further legislation upon the matter referred to in said resolution is unnecessary.

That the act regulating descents and the apportionment of estates, approved May 14th, A. D. 1852, which may be found on page 248 of the Revised Statutes of that year, after providing for every contingency which, in the opinion of the committee it is practical to provide for, the distribution of estates of persons dying intestate, the 11th section declares that the estate of persons dying intestate, without kindred capable of inheriting, shall escheat to the State, and shall be applied to the support of common schools in the manner provided by law.

That the constitution also provides that all lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance, shall be applied to the common school fund. The committee would respectfully suggest that, in their opinion, no better disposition could be made of such estates.

That the second volume of the Revised Statutes of 1852, pages 281 and 282, has a liberal provision in favor of heirs which may be discovered after a lapse of years, and also provides, in the opinion of the committee, for all those contingencies which are likely to arise in preparing the several kinds of property for their final lodgment in the State treasury.

Which was concurred in.

Mr. Turpie, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary committee, to whom was referred bill No. 29, entitled "a bill to repeal part of section 119 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17th,

1852, have instructed me to report the same back, with the following amendment, and recommend its passage.

Strike out all after the enacting clause and insert:

That the following clause of section 119 of the act, in the title of this bill referred to, to-wit: where the decision of the court below is decided to be erroneous, the appellee must pay the costs of the appeal, be, and the same is hereby repealed.

By the Revised Code of last winter the appellee in a criminal case, even where finally discharged and acquitted, by the court below, is obliged to pay the costs of an appeal taken by the State; if any error has been committed in favor of the defendant, though the error could not again jeopardise the defendant, nor have any other effect than to settle the rule of practice in such cases by the decision of the Supreme Court. This provision, the bill at present under consideration, proposes to repeal.

A majority of the committee are of the opinion that such an enactment is, at least, against the spirit of that constitutional principle which forbids that any one should be put in jeopardy a second time for the same offense. It virtually compels the defendant to enter a second appearance to the action, he must follow the case up to the supreme court, and make a further defense; when, according to all intents and purposes of the law and constitution, after a judicial acquittal and discharge, he should be free and quit of the prosecution and all its dependencies.

It would doubtless be very convenient for the State to establish rules of practice and procedure, by the revision and correction of errors, but this should not be done at the expense of the defendant discharged upon trial, who can have no further interest in the further proceedings in the case, than what may be supposed to be included in the notion of public policy or utility; an interest far too feeble and remote, in the opinion of the committee, to support any kind of an obligation either in law or justice, upon the defendant, or to take for its advancement his particular services and private property, which the law as at present, would demand.

And the question being on concurring in the report,

The ayes and noes were demanded by Messrs. McDonald of Lake and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Hammond, Hamrick, Henry, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott,

Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Donald, Ferris, Graham, Harris, Henton, Hicks, Hunt, Lasselle, Peckenpaugh, Pratt, Service, Shelby, Shuman, and Steele—16.

So the report was concurred in and the bill ordered to be engrossed.

Mr. Scott from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom was referred House bill No. 26, have had the same under consideration, and instructed me to report said bill back to the House without alteration, and recommend its adoption.

Which was concurred in,

And the bill ordered to be engrossed.

Mr. Hendricks from the committee on the judiciary made the following report:

**MR. SPEAKER:**

The committee on the judiciary, who were instructed by a resolution of the House, to examine the law relative to electing State Printer, and to inquire into the expediency of so amending said law as to admit of the State printing being let to the lowest bidder, have instructed me to report said resolution back to the House, with the recommendation that it be referred to the select committee on that subject. Your committee therefore, ask to be discharged from further consideration of the resolution.

Which was concurred in.

Mr. Read from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred resolution No. 23, instructing them to inquire into the expediency of so amending the criminal code, as to make it necessary for all criminal charges to be first presented by bill of indictment, and to have all crimes under felony tried in the common pleas court, and all cases

of felony in the circuit court, have had the same under consideration and directed me to report, that the present criminal code having been but recently enacted, it would be unwise to interfere with the same, unless in cases where certain wrong would be the result. And also, that the provision in the act establishing courts of common pleas, allowing any one charged with a felony, not punishable with death, before indictment found, to come voluntarily before that court for trial, has not yet fully been tested, and owing to the limited time allowed the present session of the Legislature, the committee are of the opinion that it would be inexpedient at this time to legislate on the subject, and the committee ask to be discharged, etc.:

Which was concurred in.

Mr. Walker of Laporte, from the committee on education, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 14, entitled an act to repeal section 1, of the common school law, beg leave to report the same back, and respectfully recommend its indefinite postponement;

Which was concurred in, and the bill indefinitely postponed.

Mr. Cooper, from the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education, to whom was referred House bill No. 34, "An act to amend an act to provide for a general and uniform system of common schools," approved June 14, 1852, direct me to report that it is inexpedient at this time to legislate upon the subject, and recommend that the bill be laid on the table;

Which was concurred in, and the bill laid on the table.

Mr. Steele, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture to whom was referred bill of the Senate No. 13, to amend an act entitled an act to authorize the formation of voluntary associations, have had that matter under consideration, and have directed me to report it back to the House and recommend its passage;

Which was concurred in, and the bill ordered to a third reading.

Mr. Chapin, chairman of the committee on banks, made the following report:

**MR. SPEAKER:**

The committee on Banks, to whom was referred resolution of the House, instructing them to inquire into the expediency of requiring every banking company hereafter to be organized, to own a town lot and erect thereon a suitable banking house, the House and lot to be worth at least five thousand dollars, have had the same under consideration.

The committee cannot doubt that every company of bankers will possess sufficient discretion to provide for the safety of their funds, and for the accommodation of those who may have business to transact with them. The General Assembly has already provided for taxing the stock of all banking companies for State, school and county purposes, and the committee think it would be an act of unwarrantable rigor for the State to compel a company with only a capital of fifty thousand dollars to expend a tenth part of that amount in the purchase of unproductive real estate.

For the above, among other reasons, the committee have instructed me to report, that, in their opinion the legislation contemplated by the resolution is inexpedient.

Which was concurred in.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER:**

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred joint resolution No. 15, instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act for the relief of John Linsey and James Elliott, citizens of Starke county, Indiana, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER:**

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred bill No. 8, entitled "an act defining the number of hours to be a day's work, in all contracts relating to labor," have had the same under consideration, and directed me to report that, in their opinion, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject; and that said bill be laid upon the table.

Which was concurred in, and the bill laid upon the table.

Mr. Hicks, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 35, entitled "an act to provide for the annual reports of State officers, &c., to be made to the Governor," have had the same under consideration, and have directed me to report the same back with the following amendments, viz:

Strike out the words "first Monday of January," where they occur in section one, and insert in lieu thereof the words "thirty-first day of October."

Also, add the following to section one: "*Provided*, That in making out their reports, said superintendents and trustees of the institutions for the Deaf and Dumb, and the Blind, and the Hospital for the Insane, shall set forth in their reports each item of expenditure on account of said institutions separately."

Add, after the word "branch," in the fifth line of section two, the words "of the Legislature."

Also, strike out all of section two, after the word "act," in the sixth line.

Also, amend by striking out the word "Legislature," and insert "General Assembly."

After the adoption of which amendments, the committee recommend the passage of the bill.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from a select committee, made the following report:

MR. SPEAKER:

The select committee upon the subject of Temperance, to whom was referred joint resolution No. 2, of this House, entitled "a joint resolution to encourage home manufactures, and instructing our Senators and Representatives in Congress to use their influence to so amend the revenue laws as to prohibit the importation of liquors," have had the same under consideration, and have unanimously instructed me to report the same back to this House with a recommendation that it be indefinitely postponed. In the opinion of your committee the home manufacture of the article needs no protection; and even if it did, it is hardly worth it. Besides, while the demand for spirituous liquors exists, which your committee still finds to be the lamentable fact, an entire prohibition of importation would only tend to the increase of distilling, &c., in this country, and the consumption of corn, rye, and barley, the great agricultural staples in that way, which your committee would regard as a misfortune. They would rather see the surplus produce of the country, as much as possible, consumed at home, or sent abroad as provision, than have it used in the manufacture of ardent spirits of any kind.

Which was concurred in.

And the joint resolution was indefinitely postponed.

## RESOLUTIONS.

On motion by Mr. Seawright,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the forty-fifth chapter of the revised statutes, an act on gaming, changing the provisions of said act, and making them indictable before a grand jury of the county.

On motion by Mr. Parker,

*Resolved*, That the committee on the Judiciary be required to inquire into the expediency of making the State of Indiana responsible for her costs in all cases, in the same manner in which individuals are, and to report by bill or otherwise.

On motion by Mr. Pratt,

*Resolved*, That the select committee to whom was referred upon yesterday, the bill amendatory of the law authorizing general banking, be instructed to inquire into the expediency of incorporating the following amendment or one containing similar principles.

SEC. —. Upon the transfer to such superintendent by any person or association, formed for the purpose of banking under the act to which this is an amendment, of any stocks or bonds authorized to be received by this act; it shall be the duty of such superintendent to indorse on such stocks or bonds a brief memorandum of the special purpose for which the same are so deposited and that they are not susceptible of surrender or transfer without the written consent of the Auditor of State indorsed thereon; and thereupon it shall not be lawful for such superintendent to surrender or transfer any such stock or bonds until the Auditor of State shall have indorsed his consent thereon.

Mr. Dyer offered the following resolution:

*Resolved*, That the committee on Roads be required to inquire and report upon the expediency of amending the law laying out and locating county and State roads, so as to make the width of State roads not exceeding forty feet, and county roads not exceeding twenty-five feet, and that the same shall extend to all roads heretofore located, and report by bill or otherwise.

Which was not adopted.

Mr. Maxfield offered the following resolution:

*Resolved*, That the select committee, to whom was referred a resolution, in regard to public printing, be instructed to report a bill at as early a day as possible, reducing the rates now paid the State printer at least twenty-five per cent.

Which,

On motion by Mr. Chapin,

Was laid on the table.

On motion by Mr. Clark,

*Resolved*, That the committee on Temperance be and they are

hereby directed to inquire whether the use of spirituous liquors, in mixing or preparing medicines cannot on scientific principles be dispensed with.

On motion by Mr. Orr,

*Resolved*, That the committee on the Judiciary be instructed to examine the 19th section of an act regulating descents, in first volume of the Revised Statutes, and the 133d to the 136th section inclusive, of an act for the settlement of decedents' estates in second volume of said Statutes, on page 279; if said sections do not conflict, and report to this House.

#### BILLS INTRODUCED.

Mr. Dunlavey obtained leave and introduced,

No. 47. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving subscriptions and donations for the erection of the public buildings of said county.

Which was read a first time and passed to a second reading.

On motion by Mr. Stockwell,

Bill of the House No. 24, a bill to establish a Board of Bank Commissioners, and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852;

Was taken from the table and referred to the select committee on Banks.

Mr. Manville obtained leave and introduced,

No. 48. A bill to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Hicks,

Bill of the House No. 4, a bill to amend section thirty of an act entitled, "an act establishing courts of common pleas," approved May 14, 1852;

Was taken from the table;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Druley, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Graham, Hammond, Hamrick, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Price, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Ste-



phens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—80.

*Those who voted in the negative were,*

Messrs. Dufour, Dunlavey, Jones of Jennings, Pratt, Read, Sutton, Taber, and Mr. Speaker—8.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr Bundy,

The House adjourned.

2 o'clock P. M.

House met.

Mr. Chapin obtained leave and introduced

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit.

Which was read a first time and passed to a second reading.

Mr. McKee obtained leave and introduced

No. 50. A bill to amend an act entitled an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain.

Which was read a first time and passed to a second reading.

Mr. Tanner obtained leave and introduced

No. 51. A bill to amend an act entitled an act to provide for the organization of county boards, and prescribing some of their powers and duties, approved Jan. 17th, 1852.

Which was read a first time and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 52. A bill to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852.

Which was read a first time and passed to a second reading

The Speaker announced the following as the select committee on banks, viz:

Messrs. McDonald of Lake, Buell, Chapin, McClure, Hendricks, Rockafellar, Steele, Moss, Stockwell, Druley, and Henry.

By unanimous consent,

Mr. Chapin obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred so much of the Governor's message as relates to abolishing the office of Agent of State, have given to the subject their careful consideration, and have instructed me to report that in the opinion of your committee, the public interests require that the office should not be abolished at the present time.

Which,

On motion by Mr. McDonald of Lake,

Was laid on the table.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House without amendment:

Bill No. 17. An act to give livery stable keepers, and others engaged in the feeding of cattle, horses, hogs and other live stock, a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics, merchants and others, approved May 20, 1852.

#### ORDERS OF THE DAY.

#### *House bills, &c., on second reading.*

No. 39. A bill to define the boundary between the counties of Gibson and Warrick.

Was read a second time.

Mr. Stockwell moved to refer the bill to a select committee of five.

Mr. Lowe moved to reconsider Mr. Stockwell's motion,

Which was agreed to.

And the question recurring on referring the bill to a select committee, it was decided in the negative.

Mr. Lowe offered the following amendment:

Amend the first section by striking out all after the words "Vanderburgh county," and insert the following: Thence running north to the north-west corner of section number six in township number four south of range No. 9 west, thence east with the township line dividing townships three and four, south of range number nine west, to the north-east corner of section one in township number four south, of range number nine west, thence north to the north-west corner of section number thirty in township number three south, of range number eight west; thence east to the south-west corner of

section twenty-one in the same town and range, thence north to the north-west corner of the same section.

When,

On motion by Mr. Stockwell,

The bill and pending amendment were referred to a select committee consisting of Messrs. Stockwell, Donald, Lowe, Freeland, and McDonnall of Sullivan.

No. 40. A bill to exempt property from sale in certain cases, and to repeal an act therein mentioned,

Was read a second time.

Mr. Peckenpaugh offered the following amendment:

Strike out one hundred and fifty dollars where it occurs and insert one hundred and twenty-five dollars in lieu thereof.

When,

On motion by Mr. Pratt,

The bill and pending amendment were referred to the committee on the Judiciary.

No. 41. A bill to amend an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation thereof, approved May 4th, 1852,

Was read a second time;

When,

On motion by Mr. Gentry,

The bill was referred to the committee on the Judiciary.

No. 42. A bill to amend an act entitled an act to establish and regulate ferries,

Was read a second time;

When,

On motion by Mr. Hamrick,

The bill was referred to the committee on the Judiciary.

No. 43. A bill to fix the time of holding courts in the ninth Judicial circuit, and the length of the term,

Was read a second time.

Mr. Farnsley moved to refer the bill to the committee on the Judiciary.

Which was disagreed to.

And the question being on engrossment,

It was agreed to.

No. 44. A bill entitled an act to amend an act entitled an act to authorize boards doing county business to declare water courses navigable,

Was read a second time;

When,

On motion by Mr. Johnson,

The bill was referred to the committee on Roads.

No. 45. A bill entitled an act to amend an act touching official bonds and oaths, approved June 9th, 1852,

Was read a second time and ordered to be engrossed.

No. 46. A bill to amend an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852,

Was read a second time;

When,

On motion by Mr. Orr,

The bill was referred to the Judiciary committee.

#### SENATE BILLS ON SECOND READING.

No. 15. A bill extending the admissibility of records in evidence;

Was read a second time, when,

On motion by Mr. Fleming,

The bill was referred to the committee on the Judiciary.

No. 18. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State;

Was read a second time, when,

On motion by Mr. Spencer,

The bill was referred to the committee on the Judiciary.

#### HOUSE JOINT RESOLUTION ON SECOND READING.

No. 18. A joint resolution asking a donation of lands from the general government to aid in the completion of the Columbus, Nashville and Bloomington plank road, the dividends arising from the proceeds thereof, to be appropriated to the common school fund of the State;

Was read a second time, when,

On motion by Mr. Johnson,

The bill was referred to the committee on Education.

#### HOUSE JOINT RESOLUTION ON THIRD READING.

No. 17. A joint resolution asking of Congress a grant of all unsold lands in the State of Indiana, for the use of common schools;

Was read a third time,

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone,

Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Peckenpauqh, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—93.

Messrs. Brecount and Parker voting in the negative—2.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. McDonald of Lake,

Messrs. Pratt and Cooper were added to the select committee on Banks.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 21. A bill providing a uniform system of establishing county lines, and locating permanently the corners thereof.

No. 26. A bill to preserve and restore the records of the supreme court.

In which the concurrence of the House is respectfully requested.

Bills No. 21 and 26, contained in the foregoing message, were read a first time and passed to a second reading.

By unanimous consent,

Mr. Clark obtained leave and offered the following resolution:

*Resolved*, That the use of the Hall be tendered to Mr. Peter Smith, on Wednesday evening, for the purpose of delivering a lecture on common schools.

Which was agreed to.

By unanimous consent,

Mr. Donelson obtained leave and offered the following resolution:

*Resolved*, That the use of this Hall be tendered to Mr. A. D. Fillmore, for the space of fifteen minutes, immediately after the adjournment to-day, for the purpose of giving the members of this House an opportunity of hearing a specimen of his vocal music.

Which was agreed to.

On motion by Mr. Dufour,

Senate bill No. 14, a bill to prevent the forfeiture of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to, any other incorporated company in this State;

Was taken from the table and referred to the committee on the Judiciary.

Mr. Chapin, from the joint committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills, have presented bill of the House No. 12, and joint resolution of the House No. 8, to his Excellency, the Governor, for his signature.

Mr. Hicks, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined bills of the House No. 17 and 11, and find the same correctly engrossed.

On motion by Mr. Manville,

The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 25th, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Henry:

A petition from thirty-eight voters of Lagrange county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Speaker:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Ferris:

A petition from twenty-three voters of Henry county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Henton:

A petition from sundry citizens of the State on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Orr:

A petition from seventeen citizens of Delaware county, praying the repeal of the law on the subject of revenue for school purposes; Which was referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Read, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred Senate bill No. 14, a bill to prevent the forfeiture of the charters of mining or manufacturing companies within this State on account of irregularities in the time and place of meeting of stockholders or directors or in the election of officers or for having subscribed stock in or made loans to any other incorporated company in the State, have had the same under consideration, and unanimously directed me to report the same back with the following amendments, and when so amended, to recommend its passage.

1st. Strike out the words "or shall hereafter be," in the 6th and 7th lines of the first section.

2d. After the words "the following enumerated causes," in said first section, add the following: "heretofore having occurred."

Which was concurred in, and the bill ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee to whom the petition of sundry citizens of Marion county was referred, have had the same under advisement, and directed me to report that as to so much of said petition as refers to the changing of the venue in criminal cases, in the opinion of the committee, the law of 1852 goes as far upon the subject of changes of venue in criminal cases as it would be safe to go, having due regard to the rights and constitutional privileges of persons charged with crime—"justice shall be administered completely and without denial, and the accused shall have the right of a public trial by an impartial jury," is the language of the constitution. The 78th section, on page 371 of the 2d volume of the Revised Statutes, provides that when the affidavit of the person charged with crime is founded upon excitement or prejudice in the county against the defendant, the court may, in its discretion, grant a change of venue to the most convenient county. This is quite a restriction upon the rights of persons charged with crime, when we reflect that by the old law the change was granted as a matter of course if the affida-

vit was drawn according to the requirements of the statute; but by the present, it is discretionary with the court to grant the change or not.

The committee are of opinion that although scoundrels may occasionally take advantage of the temptation to commit perjury, and impose upon courts and put witnesses to great trouble and expense, as in said petition is set forth, yet the committee cannot divest themselves of the consciousness that in many cases a change of venue answers a good and humane purpose.

The committee ask leave further to suggest to the House and to the petitioners, that in reflecting upon the propriety of destroying the right of a change of venue in all cases, it is well to consider that all men charged with crime are not, upon a fair and impartial trial, found guilty, however anxious the community may desire they should be, and however guilty they from rumor may suppose them to be. The committee believe the old doctrine still to be the true doctrine upon questions of doubtful policy—that it is better that ninety and nine scoundrels should go unwhipt of justice than that one upright, innocent citizen should suffer from the uninformed, prejudged, prejudiced opinion of a community wrought up to a high state of excitement by some recent outrage, and seemingly more anxious for a victim to sacrifice, than particular as to whether that victim was the perpetrator of the deed.

The committee, therefore, as to so much of said petition as asks that the law granting changes of venue in criminal cases be repealed, recommend that the same be indefinitely postponed.

Upon so much of said petition as refers to the payment of witnesses in criminal cases, the committee have instructed me to report that the law of 1852 upon that subject makes a radical change in the policy of the State. The sixth section of the act entitled “an act to authorize and limit allowances of courts and boards and drafts upon county treasuries,” approved May 27, 1852, provides that the circuit court and courts of common pleas may also make allowances for necessary expenditure incurred under their order, to women, children, or aged or infirm persons summoned as witnesses in State prosecutions. Under the old law, witnesses get nothing from the State in State causes. The committee, however, do not think the intention of the law-makers is fully expressed in said section. At least they believe that an addition should be made to the list of persons who shall receive, under the discretion of the court, compensation. The addition should, in the opinion of the committee, include poor persons, as they are more likely to be injured by the attendance upon courts in criminal cases, than either of the classes of persons mentioned in said sections; for women, children, aged and infirm persons may have means of conveyance and subsistence, but poor persons often have neither, and, in the language of the petitioners actually suffer by being compelled to attend court. The committee believe, with the petitioners, that it is neither good



policy, reasonable nor humane, that the State should compel the attendance of such persons under some circumstances, without pay. The committee have therefore instructed me to report

No. 53. A bill amendatory of the sixth section of an act entitled "an act to authorize and limit allowances by courts, and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases.

Which was read a first time and passed to a second reading.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The resolution No. 18 of this House, referred to the Judiciary committee, to inquire into the expediency of making deeds valid from the date of their record, has been under consideration, and the committee have unanimously instructed me to report that it would be inexpedient to legislate further on the subject of said resolution. Both the statutes of last winter, and those of 1843 and 1838, give the grantee in a conveyance of real estate, or any interest therein, ninety days to record his deed from the time of the making thereof. Your committee have never heard of any serious inconvenience or difficulty arising from its operation. And the people of the State have become so well acquainted with the law and its provisions, that, in the opinion of the committee, an alteration should not be made without some serious cause and call for such change.

Which was concurred in.

Mr. Torbet, from the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred resolution No. 31, instructing said committee to report a bill providing for the establishment of a house of refuge for the correction and reformation of juvenile offenders, have had the same under consideration, and directed me to report.

No. 54. A bill to establish a house of refuge for juvenile offenders in the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred resolution No. 20, inquiring whether any vacancies will occur in the board of commissions for the government of the Hospital for the Insane before the next convening of the General Assem-

bly, and if so, whose term expires, have had the same under consideration, and directed me to report

No. 55. A bill to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved Jan. 15, 1852.

Which was read a first time and passed to a second reading.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred resolution No. 26, requesting said committee to inquire into the expediency of reporting a bill making it the duty of township assessors to return to their respective county auditors the number of blind and mutes in each township, their names, ages, &c., have had the same under consideration, and direct me to report the same back to the House as inexpedient to legislate on the subject at this time; and respectfully ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER:**

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred Senate bill No. 8, entitled "an act to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest," have had the same under consideration, and a majority have directed me to report the same back without amendment and recommend its passage.

When,

On motion by Mr. Walker of Laporte,

The report and bill were laid on the table.

Mr. Spencer, from the committee on the Rights and Privileges of the Inhabitants of the State, made the following minority report:

**MR. SPEAKER:**

The minority of the committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 8, "a bill to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest," have had the same under careful consideration, and beg leave to report, that in their opinion the passage of such a law would have a tendency to oppress and infringe upon the rights of a portion of our unfortunate citizens, who contribute willingly to the support of the government, and that in many instances it would ope-

rate to the disadvantage of the white population by depriving them of testimony, and thereby the culprit go unwhipped of justice.

Your committee further believes that the law as adopted by the last General Assembly, and published in the Revised Code, volume 2, page 83, and section 243, is the true and progressive doctrine, and that it would be unwise to legislate further upon the subject; therefore your committee would respectfully recommend that said bill be laid upon the table, and they be discharged from further consideration of the subject.

Mr. Jones of Ripley, from the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township Business, to whom was referred a resolution of the House, inquiring into the expediency of providing for a more uniform and equal allowance of fees to jurors and witnesses attending the different courts in the State, have had the same under consideration, and directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Sutton, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of sundry citizens of Knox county, praying to be added to Pike county, have had the same under consideration, and a majority of the committee have directed me to report, that it would be inexpedient to legislate on the subject.

Mr. Able moved to lay the report on the table.

Which was disagreed to.

Mr. Johnson moved to reconsider the vote by which the House refused to lay the report on the table.

Which was agreed to.

And the question then recurring on the motion to lay the report on the table.

It was decided in the affirmative.

Mr. Brothwell, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred bill No. 37, concerning an act to change the time of holding circuit courts in the 10th

judicial circuit, have had the same under consideration, and instructed me to report the same back without amendments and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Hicks from the Committee on the organization of Courts of Justice made the following report:

MR. SPEAKER:

The committee on the organization of Courts of Justice to whom was referred House bill No. 7, entitled "an act to change the time of holding the terms of the circuit courts for the several counties in the fifth Judicial circuit," have had the same under consideration, together with instructions of the House on its recommittal to this committee, and have directed me to report the same back with the following amendment, after the adoption of which amendment, they recommend the passage of said bill, to-wit:

Strike out all after the word "prescribed" in the 8th line of page No. 1, to the words "and each," in the 27th line, and insert in lieu thereof, the following:

"In the county of Hendricks on the first Mondays of February and August.

In the county of Madison, on the third Mondays of February and August.

In the county of Hamilton, on the first Mondays of March and September.

In the county of Tipton, on the third Mondays of March and September.

In the county of Johnson, on the fourth Mondays of March and September.

In the county of Hancock, on the second Mondays of April and October.

In the county of Marion, on the fourth Mondays of April and October.

When,

On motion by Mr. Hicks,

The bill and pending amendments were committed to a select committee consisting of Messrs. Buell, Ballard, Hendricks, Moss, Parker, Hicks, Fleming and Handy, with instructions to inquire into the expediency of the amendments reported by the committee on the organization of courts.

#### RESOLUTIONS.

On motion by Mr. Johnson,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the common school law

as to exempt property belonging to negroes and mulattoes from taxation for school purposes, and also to so amend the law as to prohibit the children of such negroes and mulattoes from attending schools organized under the common school law, and report by bill or otherwise.

On motion by Mr. Jones of Jennings,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of abolishing all docket fees in civil cases, and report to this House by bill or otherwise.

On motion by Mr. Catlin,

*Resolved*, That the committee on decedent's estates be instructed to inquire into the expediency of amending the law of descents so that at the death of the widow the property shall go equally to all of the children of the husband by virtue of which such property came to her.

Mr. McDonnall of Sullivan offered the following resolution :

*Resolved*, That the committee on Elections be instructed to inquire into the expediency of so changing the election laws as to allow electors the privilege of voting either in their own township or precinct, or at the seat of justice of the county in which they reside.

Which was not agreed to.

On motion by Mr. Ferris,

*Resolved*, That the committee on Temperance be instructed to inquire into the expediency of abolishing all license laws legalizing the vending of intoxicating liquors to be used as a beverage.

On motion by Mr. Pratt,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether the several provisions in the revision of last year relative to the verification of pleadings by affidavit, as found in sections 75 and 80, on page 44, and in section 646, on page 181, and in section 785, on page 205, 2d vol. of Revised Statutes, do not conflict with each other, and if they so find, to report a bill to correct such conflict.

On motion by Mr. Moss,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of repealing sections 66, 67, 68, 69 and 70 of an act providing for the settlement of decedent's estates, and of reporting a bill instead thereof, containing section 206 of chapter 30 of the revised Statutes of 1843.

On motion by Mr. Turpie,

*Resolved*, That the committee on Education be instructed to inquire whether the present school law extends any privileges to

persons over the age of twenty-one years; and if not, to inquire into the expediency of permitting persons of that age or upwards to attend any school, provided they do so at their own expense, without the aid of the public funds.

Mr. Martin offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law of descent that the widow, instead of receiving the amount prescribed by law, shall be allowed one-half of all the real estate of which her husband died possessed of, during her present life, as against creditors, and the will of her deceased husband, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Chapin,

The resolution on the subject of discontinuing the "Locomotive" by this House, was taken from the table; when

Mr. Thomas moved to amend said resolution by adding the "State Sentinel" and "State Journal."

Mr. Jones of Jennings, moved to amend the amendment by adding the "Volksblatt;"

Which was disagreed to.

Mr. Dufour moved to amend the amendment by striking out of said amendment the words, "State Sentinel;"

Which was not agreed to.

Mr. Seawright moved to lay the resolution and pending amendment on the table;

Which motion did not prevail.

Mr. Spencer moved to amend the amendment, by adding the word "Weekly" before "State Sentinel and State Journal;"

Which was disagreed to.

Mr. Underwood moved to lay the resolution and amendment on the table;

Which motion did not prevail.

The question then recurring on the adoption of the amendment proposed by Mr. Thomas,

And being put,

The ayes and noes were demanded by Messrs. Able and Thomas.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Burnett, Donald, Dyer, Emery, Ferris, Ferguson, Freeland, Goodman, Graham, Gootee, Hammond, Hamrick, Harris, Hartley, Henry, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Manville, Martin, Maxfield, McClure, Orr, Pratt, Rockafellar, Ryan, Scott, Shelby, Shoemaker, Simpson, Spencer, Steele, Taber, Thomas, Walker of Rush, Wilson, Work and Yount—45.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Chapin, Clark, Cooper, Donelson, Dufour, Druley, Dunlavey, Durham, Farnsley, Fleming, Gentry, Greene, Handy, Hendricks, Hicks, Howell, Lasselle, Lemmon, Lewis, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Peckenpaugh, Price, Read, Richardson, Seawright, Service, Shuman, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Turpie, Underwood, Walker of Laporte, and Mr. Speaker—49.

So the amendment was not agreed to.

Mr. Tanner moved to lay the resolution on the table;

Which motion did not prevail.

The question then recurring on the adoption of the resolution.

And being put,

The ayes and noes were demanded by Messrs. Laird and Ferris.

*Those who voted in the affirmative were,*

Messrs. Brecount, Buell, Bundy, Catlin, Chapin, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Handy, Jones of Ripley, Lemmon, Manville, McCormick, McKee, McKinney, Parker, Simpson, Stephens, Sutton, Underwood, Walker of Laporte and Wilson.—29.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Burnett, Clark, Cooper, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Graham, Greene, Hammond, Hamrick, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stockwell, Taber, Tanner, Thomas, Turpie, Walker of Rush, Yount and Mr. Speaker—63.

So the resolution was not adopted.

Mr. Buell asked permission of the House to change his vote.

Which was not agreed to.

On motion by Mr. Brown,

The House adjourned.

2 o'clock, P. M.

House met.

A message from the Governor by Mr. King, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 8. A joint resolution to instruct our Senators and request our Representatives, to procure the passage of a law by Congress to grant lands to actual settlers.

No. 12. An act to legalize certain State Wabash and Erie canal certificates.

No. 11. An act to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name.

Which bills originated in the House of Representatives.

On motion by Mr. Johnson,

The vote adopting a resolution granting the use of this hall to Peter Smith this evening, was reconsidered.

And the question being on the adoption of said resolution,

It was decided in the negative.

By unanimous consent, Mr. Donald obtained leave and presented

A petition from sundry citizens of a township now in Warrick county, praying to be re-attached to Gibson county.

Which was referred to a committee heretofore appointed on that subject.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have referred the accompanying communication from J. W. Cummins, relative to the three per cent. fund, to a select committee of three, to act with a similar committee to be appointed on the part of the House, and that Messrs. Powell, Sullivan, and Butler were appointed said committee on the part of the Senate.

In which the concurrence of the House is respectfully requested.

Which was reciprocated by the House, and Messrs. Read, Hendricks and Moss were appointed said committee, on the part of the House.

The Speaker laid before the House the following communication from his Excellency, the Governor:



EXECUTIVE DEPARTMENT, }  
JANUARY 26, 1853.

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—I am in receipt of a resolution of the House of Representatives, asking for my opinion on the subject of the State agency, as to the propriety of abolishing the office, and the substitute therefor. Having received a similar communication from the Senate, and answered the same, I herewith enclose a copy of that communication in answer to the resolution of the House.

EXECUTIVE DEPARTMENT, }  
January 24, 1852.

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR,—I am in receipt of the following resolution of the House, to-wit:

“*Resolved*, That the Governor be requested to inform the Senate as to the manner in which the business of State Agent could be conducted, and upon what terms, provided that office be abolished.”

In answer thereto, I have the honor to submit the following:

The office of Agent of State was originally charged with the custody of the property of the State, settlement of outstanding debts, &c., and by subsequent legislation in 1846 and 1847, it was absolutely necessary to have an Agent to discharge the duties as provided in said acts, mostly on account of the surrendering of the entire outstanding debts of the State, and the giving of new bonds. It was necessary to continue said agency, to carry out the provisions of the State debt act. Those bonds being nearly all surrendered, and the State having no property or debts to look after, the object in view in making the agency having ceased, the duties now required are wholly different. The bonds not yet surrendered, should be required to be surrendered directly to the Auditor of State.

We now require an agent to make transfer of stocks, and pay the semi-annual interest in New York, according to our express contract. It is not proposed to dispense with the duties of an agent or to give the Auditor of State the management of the transfers, and the payment of interest.

It is, however, believed that a much higher security can be obtained for the discharge of these duties, and at a less expense than at present.

The proposition is, to authorize your officers of State, such as the legislature may name, to employ annually, at a fixed sum, not to

exceed two thousand dollars, some responsible institution or house to discharge these duties, taking bond in a sum of not less than two hundred thousand dollars, with the power to remove, and to place these duties in other hands at pleasure.

I know of no State or corporation that has transfers of stock to be made, or interest to be paid in New York, that pretends to rely upon an agency like ours, to discharge these duties, and there are States whose payments are fourfold the amount of ours.

No agent of Indiana has devoted all his time in New York to these duties. It cannot be expected, under the compensation allowed. Some of them have been absent more than half of the year, from their office, attending to other duties.

These duties require a *resident* agent, who shall keep the transfer office open for business every day in the year, between the hours of ten and three o'clock, for the transfer of stocks and the payment of dividends.

Hence it is that no man, who is a resident of Indiana, can discharge the duties, unless he removes to the city and remains permanently.

I know of no authority that authorizes an agent to abandon his office and commit the duties into the hands of another. And yet this has been done by all of our agents.

The duties are thus placed in the hands of one, who is under no obligation to the State, who has neither given a bond nor taken an oath, and yet he has the custody of the transfer books, and may issue any certificates of stock under the seal and signature of the State, to any amount *ad libitum*.

An agent is not authorized to appoint an agent, except by express legal authority. It is a personal trust which cannot be delegated any more than that of Representative, Senator, or Governor.

I have no hesitation in saying that any plan which contemplates that the agent may retain his residence in Indiana, and yet performs the duties in New York, will, in the very nature of the case, be insecure.

The compensation allowed will not justify the removal of an agent to the city, taking a house, paying office rent, and maintaining the business, &c.

Hence it is that all the *States and corporations* who have interest payments to make, and stocks to transfer in New York, find their convenience and security in employing as their agent for that purpose, some responsible institution or house, resident in the city, such institution or house conducting their business there, having already the facilities and means of doing the business, can afford to do it on cheaper terms than it can possibly be done by an agent sent there for that purpose alone.

What security does a bond with the penalty of one hundred thousand dollars, or more, furnish the State, against a fraudulent issue of half a million or more, or what is the same thing against mistakes

in issues of millions of stocks. And how is an agent to know what the issues have been, who is not in his office to attend to the business thereof.

We have suffered already in the fraudulent redemption and double issues of scrip to the amount of fifty thousand dollars. This has taken place at home, by our own officers, where the representatives of the people meet annually to examine their conduct and acts.

If these things have happened under our own eye, and yet we cannot remedy the evil, detect the error, or provide a sure remedy, we shall be justly chargeable with negligence if we do not endeavor to obtain, at least, the best system adopted by other States, to protect us against losses in fraudulent issues of stock and mistakes in sums of a large amount. We should endeavor to obtain the highest security we can to protect us against the future operations of this trust.

If it is the pleasure of the representatives of the people to continue the present system, I respectfully suggest that it should be made the duty of the agent to remain in his office, and to make absence from it, except sickness, a forfeiture of the same. And he should be expressly inhibited from transferring or delegating the duties to another, except by the advice of the State officers, Auditor, Treasurer and Governor.

These views are hastily presented, with the hope that the subject will receive from your hands that attention which its importance demands.

Yours, respectfully,

JOSEPH A. WRIGHT.

When,

On motion by Mr. Gentry,

The communication was referred to the committee on the Judiciary.

#### BILLS INTRODUCED.

Mr. Richardson obtained leave and introduced

No. 56. A bill to amend section 78, of "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852,

Which was read a first time, and passed to a second reading.

Mr. Able obtained leave and introduced

No. 57. A bill to attach townships No. 1, north of range eight west, and sections No. 31, 32, 33, 34, 35, and 36, in township No. 2, north of range eight west, now constituting a part of the county of Knox, to the county of Pike.

Which was read a first time, and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 58. A bill to amend an act entitled "an act to re-organize the militia, providing for the appointment and prescribing the duties of certain officers thereof," approved June 14th, 1852.

Which was read a first time and passed to a second reading.

Mr. Pratt obtained leave and introduced

No. 59. A bill to punish and prevent frauds in the use of false stamps and labels.

Which was read a first time and passed to a second reading.

Mr. Manville obtained leave and introduced

No. 60. A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurer and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

Which was read a first time, and passed to a second reading.

Mr. Burnett obtained leave and introduced

No. 61. A bill to encourage a spirit of colonization by preventing negroes and mulattoes from acquiring real estate after the first day of July next.

Which was read a first time, and passed to a second reading.

Mr. Orr moved to reconsider the vote on the passage of bill

No. 13. A bill to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9th, 1852, amending section 2, and repealing sections 3 and 7 of said act.

Which motion prevailed,

When,

On motion by Mr. Orr,

The bill was recommitted to the committee on the Judiciary, with the following instructions:

Strike out the words "and seven," where it occurs in section 2 in said bill.

#### ORDERS OF THE DAY.

No. 47. A bill to authorise the re-location of the seat of justice of the county of Clay, and to authorize the receiving subscription and donation for the execution of the public buildings;

Was read a second time.

Mr. Scott moved to amend section first, by striking out "William R. Edwards," and inserting "William K. Edwards."

Which was agreed to.

When,

On motion by Mr. Dunlavy,

The bill was referred to a select committee consisting of Messrs. Dunlavy, McDonald of Lake, Steele, Hamrick and Buell.

No. 48. A bill to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852;

Was read a second time.

When,

On motion by Mr. Hicks,

The bill was referred to the committee on Roads.

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit;

Was read a second time.

When,

On motion by Mr. Chapin,

The bill was referred to the committee on Corporations.

No. 50. A bill to amend an act entitled "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain;

Was read a second time.

When,

On motion by Mr. Buell,

The bill was referred to the committee on Ways and Means.

No. 51. A bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852;

Was read a second time; when,

On motion by Mr. Hicks,

The bill was referred to the committee on County and Township business.

No. 52. A bill to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852;

Was read a second time; when,

On motion by Mr. Struble,

The bill was referred to the committee on Corporations.

#### SENATE BILLS ON SECOND READING.

No. 21. A bill providing a uniform system for establishing county lines, and locating permanently the corners thereof,

Was read a second time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on County and Township business.

No. 26. A bill to preserve and restore the records of the supreme court,

Was read a second time; when,

On motion by Mr. Tanner,

The bill was referred to the Judiciary committee.

## HOUSE BILLS ON THIRD READING.

No. 29. A bill to repeal part of section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852;

Was read a third time; when,

On motion by Mr. Pratt,

The bill was committed to the Judiciary committee, with instructions to so amend said bill as to provide that where the State shall prosecute an appeal to the supreme court from the judgment of the circuit court, discharging a defendant on final trial, the costs of such appeal shall be paid by the State in case the supreme court shall determine there was error in the judgment or proceedings of the court below.

No. 26. A bill to repeal the 119th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852,

Was read a third time; when,

On motion by Mr. Hamrick,

The bill was laid on the table.

No. 35. A bill to provide for annual reports of State officers, branches of State Bank, and Benevolent Institutions, to be made to the Governor;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Burnett, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Price, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—93.

Messrs. Jones of Ripley and Shuman voting in the negative—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 43. A bill to fix the time of holding courts in the ninth judicial circuit, and the length of the terms;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—90.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 45. A bill to amend an act entitled "an act touching official bonds and oaths," approved June 9th, 1852.

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Chapin, Clark, Donelson, Dunlavey, Durham, Dyer, Emery, Freeland, Gentry, Goodman, Graham, Handy, Hicks, Hendricks, Henton, Hooper, Howell, Hunt, Jennings, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Peckenpaugh, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Simpson, Spencer, Steele, Stephens, Stockwell, Sutton, Tanner, Underwood, Walker of Laporte, Wilson, and Work—59.

*Those who voted in the negative were,*

Messrs. Ballard, Catlin, Dodd, Donald, Farnsley, Ferris, Fleming, Greene, Hammond, Hamrick, Johnson, Jones of Boone, Jones of Jen-

nings, Lemmon, Parker, Pratt, Shelby, Shuman, Stackhouse, Struble, Taber, Turpie, Yount, and Mr. Speaker—24.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Chapin,

The House adjourned.

THURSDAY MORNING, 9 o'clock. }  
January 27, 1853. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Price:

A petition of the lessees on the Central canal.

Which was referred to a select committee consisting of Messrs. Price, Hicks, Ballard, Handy and Donelson.

By Mr. Dunlavey:

A petition from 664 citizens of Clay county, on the subject of relocation of the county seat of said county.

Which was referred to a select committee heretofore appointed on that subject.

By Mr. Durham:

A petition from 100 or more voters and several ladies of this State on the subject of temperance.

Which was referred to the committee on Temperance.

By Mr. Donald:

A petition from 65 citizens of Gibson county, praying the passage of a law, directing the Trustees of Wabash and Erie canal to cut down and remove the timber from a certain reservoir in said county.

Which was referred to the committee on canals and internal improvements.

#### REPORTS FROM COMMITTEES.

Mr. Moss, from the committee on the Judiciary, made the following report:



**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred that part of his Excellency the Governor's message which relates to the 'creation of the office of Attorney General,' have had the same under consideration, and have directed me to report that they are not advised of any peculiar emergency existing at this time, making it absolutely necessary to create such office.

It does not appear that any serious losses have accrued to the State for the want of such officer; or that his services are indispensably necessary to the due administration of the State government.

In view of this and the present indebtedness of the State, the committee would respectfully recommend that the subject be indefinitely postponed.

Which was concurred in.

Mr. Ferris from the committee on education, made the following report.

**MR. SPEAKER:**

The committee on education to whom was referred "joint resolution No. 18, asking a donation of lands from the General Government, to aid in the construction of the Columbus, Nashville and Bloomington plank road, the dividends arising from the proceeds thereof, to be appropriated to the common school fund of the State," have had the same under consideration and have directed me to make the following report:

That inasmuch as a joint resolution has passed this House, asking Congress to donate all the unappropriated lands in this State for the use of common schools, further legislation on the subject is unnecessary, and the committee therefore recommend the indefinite postponement of the joint resolution, and ask that they be discharged from further consideration of the subject.

Which was concured in,

And said joint resolution indefinitely postponed.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions to whom was referred the resolution inquiring into the expediency of providing by law, for the selection by the board of county commissioners, of one student from each county to attend the Wabash college free of charge, have had the same under consideration, and direct me to report the same back to the House, as the provisions of the law now in force, are entirely sufficient upon that subject.

Which was concurred in.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions made the following report:

MR. SPEAKER:

The committee on Benevolent and Scientific Institutions beg leave to submit the following report in reference to the condition of the Indiana Hospital for the Insane. They have visited the grounds and buildings, and are satisfied from their inspection that every thing connected with the institution is managed with care and prudence, and that it is now in a condition of encouraging prosperity.

They feel much gratified to be able to bear their testimony in favor of the care and skill manifested in the treatment of the patients, and of the success of the officers of the institution in their efforts to add to the comfort, and improve the condition of that unfortunate class of beings who are placed for relief within its walls.

The state of its financial affairs shows the exercise of a very creditable degree of economy. The current expenses of the year besides the amount paid for salaries of officers, and including books, stationery, postage, provisions, clothing, and all expenses necessary to the maintenance of the institution amounts to \$16,225/57, which divided among the 196 persons supported at the institution, gives an average of \$82,78 as the cost of the support of each.

To this amount add \$2,000 for salaries, and we have the sum of \$18,225 57, as the total current expenses the past year.

There will be needed to complete the contemplated additions to the building, the sum of \$28,666 for each wing, making a total amount of \$56,132, for building purposes, and about \$18,000 per year to defray the current expenses of the institution.

The buildings when completed will accommodate three hundred patients with double the advantage in classification, which is a very important consideration in the treatment of insanity.

There are at present filed in the office two hundred and eighty-two applications for the reception of patients, as follows:

Males.....	149
Females.....	81
Discharged not cured and wish to return.....	52

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Total..... 282

The present number of patients, and the daily increasing number of applications, indicate that the present buildings even with the additions now in process of construction, will be entirely insufficient for the accommodation of all who may stand in need of the benefits of the Institution. In view of this fact the committee would recommend that a separate building be constructed upon grounds distinct from the present structure, for the accommodation of female patients.

In cases of insanity, above all others, ought the sexes to be sepa-

rated, aside from the fact that many cases of insanity arise in some way from the relation between the sex, the vicinity and frequent sight of the two sexes by each other in the excitement induced can but be very unfavorable to the patients, and a great impediment in the way of their recovery. And in the opinion of the committee, entire removal of the sexes from each other's presence is absolutely essential to the perfect success of an Institution of the kind.

The additional expense of constructing buildings on other grounds over that of placing them on those now occupied would be but little. For females, a large farm like that demanded for males, will not be required. A few acres sufficient for a garden and agreeable diversion, would be amply sufficient, while the cost of the building itself, would be the same wherever it may be placed.

In view of these considerations your committee would earnestly recommend the erecting, at as early a day as is practicable, on grounds removed from the present Hospital a separate building for the reception of female patients: until this is done, Indiana will not have completed those acts of benevolence which the call of her suffering citizens demands.

When,

On motion by Mr. McDonald of Lake,

The report was laid on the table.

Mr. Dufour chairman of the committee on the Rights and Privileges of the Inhabitants of the State made the following report:

MR. SPEAKER:

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred the petition of John M. Dilts, and one hundred other citizens of Delaware and Madison counties, praying the General Assembly to take into consideration, and devise some measures by which the owners, along the Indianapolis and Bellefontaine railroad, may be justly compensated for the lands now destroyed by the location of that road, have had the same under consideration, and beg leave to report, that the charter of the Indianapolis and Bellefontaine Railroad Company, grants to said company the right of way through any lands, between Indianapolis and the line dividing the State of Indiana and Ohio, at the point of connection with a railroad proposed to be constructed from Bellefontaine in Ohio to the State line, on which said road may be located; and the owners of such lands who feel themselves aggrieved by said road being located on their lands, have their recourse as provided in section 19, of the charter of said company, and that this General Assembly has not the power to repeal or modify any of the provisions of said charter, bearing upon the subject, which the petitioners pray for; the committee therefore suggest that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

## RESOLUTIONS.

On motion by Mr. Hicks,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so changing the law in regard to constables, as to allow them to hold office two years instead of one as now, and report by bill or otherwise.

On motion by Mr. Clark,

*Resolved*, That the committee on Public Expenditures, be instructed to inquire into the expediency of so changing the laws, that coroners and constables each be entitled to one copy of the Revised Statutes.

On motion of Mr. Seawright,

The report of James S. Hester, Esq., one of the supervisors of the arrangement and printing of the Revised Statutes of 1852, was taken from the table and referred to the joint committee on Revision.

On motion by Mr. Thomas,

*Resolved*, That the committee on County and Township Business inquire into the expediency of granting to each township library, one copy of the Journals of this House and one copy of the Revised Statutes, and report by bill or otherwise.

On motion by Mr. Farnsley,

*Resolved*, That the committee on the Judiciary be requested to report to this House the intent and meaning of that portion of section 29, article 4, of the constitution of this State, relative to the extension of the term of the General Assembly.

On motion by Mr. Wilson,

*Resolved*, That the committee on Ways and Means, be instructed to inquire into the expediency of exempting from taxation all lands held by any college, or seminary of learning in the State of Indiana, and report by bill or otherwise.

On motion by Mr. Buell,

*Resolved*, That the committee on Benevolent Institutions be instructed to inquire into the expediency of authorizing the Governor to remove Insane persons confined in the Penitentiary to the Hospital for the Insane.

Mr. Cooper offered the following preamble and resolution:

WHEREAS, The last General Assembly passed an act approved May 20, 1852, "containing several provisions regarding landlords and tenants, lessors and lessees," the 17th section reading as follows: Sec. 17. Rents from lands are collected as other debts;

*Therefore, resolved*, That the committee on the Judiciary be instructed to revive the old law on that subject, giving the landlord a preference over other creditors, making such modifications as are deemed necessary.

On motion by Mr. Johnson,

The resolution was made one of inquiry,  
And the resolution as amended was adopted.

Mr. Steele offered the following resolution :

*Resolved*, That the committee on Military Affairs inquire into the expediency of exempting all persons from doing military duty who are conscientiously scrupulous of bearing arms;

Which was not adopted.

On motion by Mr. Dufour,

The report of the committee on the Rights and Privileges of the Inhabitants of the State, containing Senate bill No. 8, a bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest, was taken from the table.

Mr. Pratt moved to amend the bill as follows: Strike out all that excludes Indians and those having any Indian blood.

And the question being on the amendment to the bill,

The ayes and noes were demanded by Messrs. McDonald of Lake and Pratt.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brown, Buell, Bundy, Clark, Cooper, Dodd, Donald, Ferris, Ferguson, Freeland, Graham, Greene, Harris, Hooper, Hunt, Jennings, Lasselle, Martin, McDonald of Lake, McKinney, Moss, Pratt, Price, Ryan, Service, Shoemaker, Shuman, Spencer, Stockwell, Thomas, Walker of Laporte, Work, Yount and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Able, Burnett, Catlin, Chapin, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Goodman, Gootee, Hammond, Hamrick, Handy, Hartley, Henry, Hinton, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, Orr, Parker, Peckenpaugh, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Tanner, Turpie, Underwood and Wilson—59.

So the amendment was not agreed to.

Mr. Shoemaker moved to amend as follows: Strike out the word one-eighth where it occurs in said bill and insert one-fourth in lieu thereof.

And the question being on the amendment,

The ayes and noes were demanded by Messrs. Dufour and Burnett.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Brown, Buell, Bundy, Chapin, Clark, Donald,

Ferris, Graham, Harris, Hartley, Hendricks, Henry, Jennings, Jones of Boone, Lasselle, Lines, Manville, Maxfield, McCormick, McDonald of Lake, McKinney, Moss, Orr, Pratt, Price, Ryan, Service, Shoemaker, Shuman, Spencer, Stockwell, Struble, Taber, Thomas, Underwood, Walker of Laporte, and Work—38.

*Those who voted in the negative were,*

Messrs. Able, Bridges, Burnett, Catlin, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Henton, Hicks, Howell, Hunt, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, Martin, McClure, McDonnall of Sullivan, McKee, Parker, Peckenpaugh, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Simpson, Stackhouse, Steele, Stephens, Sutton, Tanner, Turpie, Wilson, Yount and Mr. Speaker—56.

So the amendment was not agreed to, and the bill ordered to a third reading.

On motion by Mr. Gentry,

*Resolved*, That the committee on Public Buildings be instructed to inquire of the different public officers of State, whether they have secure fire proof safes as places for keeping the public papers and securities, and to report what is the condition, and whether further vaults or safes be necessary.

On motion by Mr. Manville,

The vote committing to the committee on the Judiciary bill No. 29, a bill to repeal part of section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts in this State," approved June 17th, 1852, with instructions to so amend the bill as to provide that where the State shall prosecute an appeal to the supreme court from the judgment of the circuit court, discharging a defendant on final trial, the costs of such appeal shall be paid by the State, in case the supreme court shall determine there was error in the judgment or proceedings of the court below, and that the prosecuting attorney prosecuting the appeal or attending to the case in the supreme court shall not be allowed a docket fee,

Was reconsidered.

And the question being to recommit with instructions,

It was decided in the negative.

The question then being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donel-

son, Druley, Dufour, Dunlavey, Durham, Farnsley, Fleming, Free-land, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—88.

*Those who voted in the negative were,*

Messrs. Emery, Ferris, Ferguson, Pratt and Shuman—5.

Mr. Dyer refusing to vote.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Hammond moved that the house adjourn.

Which was disagreed to.

#### BILLS INTRODUCED.

Mr. Durham obtained leave and introduced

No. 62. A bill to enable illegitimate children to inherit in certain cases, and to authorize the court of common pleas to make certain orders.

Which was read a first time and passed to a second reading.

The Speaker laid before the house the following communication from the Agent of State in answer to a resolution of the house:

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—I am in receipt of the following resolution of the House to-wit:

*Resolved*, That the Agent of State be requested to report to this House the length of time he spent in New York, to attend to his duties, and the amount by him paid for office rent yearly, and whether he employed an agent, and if so what amount he paid said agent, and report at his earliest convenience.

In answer thereto I have the honor to submit the following report:

On the 5th of February, 1850, I entered upon the duties of my office, and from that time until the 10th of July, 1852, I was almost constantly engaged in my office at New York City. From the

10th of July, 1852, until the last of December of the same year, I was at home, and since, have been in New York City in discharge of my duties, till within a few days.

The agency has been kept in an office occupied for no other purpose, except during the first twenty or thirty days of my term of service, and said office has been kept open for the transacting of business connected with the agency, from 9 o'clock A. M. till 3 P. M. of every day, (Sundays and public days excepted.) The first time I absented myself from the city, was in the last of July, 1850, and the agency was left in charge of S. H. Fleetwood, Esq., clerk to the Trustees of the Wabash and Erie Canal. Upon my return, about the first part of September of the same year, I was accompanied by William F. May, who has ever since been engaged in the office, acting in my absence as Deputy Agent.

Office rent, fuel and portorage have cost about \$250 per annum. I have paid the following sums for clerk hire: to Mr. Ferris, \$33,00; to S. H. Fleetwood, \$250,00; \$100,00 of this was paid said Fleetwood for services rendered before W. F. May entered into the office, and \$150,00 for assistance given said May during my absence; to W. F. May for half the year 1850, \$200,00; all for 1851, \$400,00; all for 1852, \$700,00.

I will here remark that as the Agent, in addition to his salary, receives a certain stipend of \$250,00 per year, to meet all expenses of the agency, no strict account has been kept, and I have no means of giving exact dates or vouchers. Before leaving the agency in last July, I made for the present Legislature, my report from October, 1851, to July, 1852, including the payment of the January and July interest for 1852. During the latter part of July and the whole of August, there was no business that required my personal attendance at the agency, and through September, October, November and part of December I was detained at home by indisposition of my family; still I should not have remained with them, had I not felt assured that the public interest would always be safe in the hands of my deputy, W. F. May, and no one else has access to the books of the agency, in my absence. I have always made it a part of my duty to advise with the officers of State upon any question of any importance connected with my office, and especially did I do so, with reference to the propriety of my remaining at home during the past fall. The Treasurer, Auditor, and particularly his Excellency the Governor, advised the course pursued by me, as being not at all improper. On account of the care and prudence of my deputy, the interests of the State has not suffered in my absence.

All of which is respectfully submitted:

A. MAY,  
*Agent of State.*



Which,

On motion by Mr. Buell,

Was laid on the table, and 200 copies ordered to be printed, in connection with the Governor's communication on the same subject.

Mr. Tanner obtained leave and introduced

No. 63. A bill to amend an act entitled "an act touching the relation of guardian and ward," approved June 9th, 1852.

Which was read a first time and passed to its second reading.

Mr. Hicks obtained leave and introduced

No. 64. A bill to repeal the General Banking law.

Which was read a first time and passed to a second reading.

Mr. McKee obtained leave and introduced

No. 65. A bill to amend an act entitled "an act in relation to county treasurers," approved June 4th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Hicks obtained leave and introduced

No. 66. A bill to give authority to Judges of the common pleas courts to compel executors and administrators to obey the orders of said courts, and to compel the clerks thereof to give additional bond.

Which was read a first time and passed to a second reading.

Mr. Howell obtained leave and introduced

No. 67. A bill forming the 12th judicial circuit, and designating the counties that shall constitute the 7th circuit, and fixing the times of holding courts in said circuits.

Which was read a first time and passed to a second reading.

Mr. McDonnall of Sullivan obtained leave and introduced

No. 68. A bill to amend an act entitled an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17th, 1852.

Which was read a first time and passed to a second reading.

Mr. McKee obtained leave and introduced

No. 69. A bill to amend an act entitled an act to enable trustees to receive lands and donations and convey the same, for the use of schools, Churches, Religious Societies, Masonic and Odd Fellows Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned, approved June 17th, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Clark,

The House adjourned.

2 O'CLOCK, P. M.

House met.

By unanimous consent,

Mr. Richardson obtained leave and offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of striking out the word county where it occurs in the 4th line of section 72 of an act to provide for the valuation and assessment of real and personal property, approved June 21st, 1852, and insert the word township in lieu thereof.

Which was adopted.

Mr. Chapin obtained leave and introduced

No. 70. A bill to fix the salary of the Judges of the Supreme Court.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Moss from a select committee obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to whom was referred house bill No. 7, beg leave to report the same back to the house with the accompanying amendments, and when so amended to respectfully recommend its passage.

No. 7. A bill to change the times of holding the terms of the circuit courts for the several counties in the fifth judicial circuit.

Strike out all after the word "prescribed," in the 8th line of page No. 1, to the words "and each," in the 27th line, and insert the following:

In the county of Hendricks on the Tuesdays next after the first Mondays in February and August in each year.

In the county of Madison on the Tuesdays next after the Mondays succeeding the courts in the county of Hendricks.

In the county of Hamilton on the Tuesdays next after the Mondays succeeding the courts in the county of Madison.

In the county of Tipton on the Tuesdays next after the Mondays succeeding the courts in the county of Hamilton.

In the county of Johnson on the Tuesdays next after the Mondays succeeding the courts in the county of Tipton.

In the county of Hancock on the Tuesdays next after the Mondays succeeding the courts in the county of Johnson.

And in the county of Marion on the second Tuesdays of May and November of each year.

The said courts, if the business thereof require it, shall sit in the counties of Hamilton, Madison, Hendricks, Johnson and Hancock,

two weeks each; in Tipton, one week, and Marion, as long as the business thereof requires it.

The amendments were adopted;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Burnett, Catlin, Chapin, Cooper, Dodd, Donald, Donelson, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Work, Yount, and Mr. Speaker—84.

Messrs. Ballard and Hicks voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Thomas obtained leave and presented

A petition from 121 voters of Pulaski county, on the subject of temperance.

Which was referred to the committee on Temperance.

#### ORDERS OF THE DAY.

##### *Senate Bill on Third Reading.*

No. 13. A bill to amend an act entitled "an act to authorize the formation of voulduntary associations," approved May 13, 1852;

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brown, Brothwell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis,

Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stevens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Work, Yount, and Mr. Speaker—94.

Mr. Henton voting in the negative—1.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTION ON THIRD READING.

No. 15. A joint resolution asking Congress to grant John Linsey and James Elliott pensions,

Was read a third time,

And the question being, shall the resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Work, Yount, and Mr. Speaker—94.

*Those who voted in the negative were,*

Messrs. Druley, Ferris, and Shoemaker—3.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Stockwell,

The vote on the passage of bill No. 13, a bill to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13th, 1852, was reconsidered, and the bill laid on the table.

## HOUSE BILLS ON SECOND READING.

No. 53. A bill amendatory of the 6th section of an act entitled "an act to authorise and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27th, 1852, and to authorise allowances to poor persons in certain cases;

Was read a second time and ordered to be engrossed.

No. 54. A bill to establish a house of refuge for juvenile offenders in the State of Indiana;

Was read a second time.

Mr. Johnson moved to amend the bill by adding the following:

*Provided, however,* That such house of refuge shall not be established within Marion county.

When,

On motion by Mr. Torbet,

The bill and pending amendment were laid on the table, and 150 copies ordered to be printed.

No. 55. A bill to amend an act entitled "An act for the government of the Indiana Hospital for the Insane," approved January 15, 1852;

Was read a second time, and ordered to be engrossed.

No. 56. A bill to amend section 78, to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the electing of township assessors, and prescribing the duty of assessors, appraisers of real property, county treasurers and auditors, Treasurer and Auditor of State, approved June 21st, 1852;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on Ways and Means.

No. 57. A bill to attach township No. 1, north of range eight west, and sections Nos. 31, 32, 33, 34, 35 and 36, in township No. 2, north of range eight west, now constituting a part of the county of Knox, shall be attached to, and constitute a part of the county of Pike.

Was read a second time.

Mr. Freeland moved to indefinitely postpone the bill.

Which was disagreed to.

And the bill was then ordered to be engrossed.

No. 58. A bill to amend an act entitled "an act to re-organize the militia, providing for the appointment and prescribing the duties of certain officers thereof."

Was read a second time.

When,

On motion by Mr. Johnson,

The bill was referred to the committee on Military Affairs.

No 59. A bill to punish and prevent frauds in the use of false stamps and labels.

Was read a second time.

Mr. Bridges moved to amend the bill as follows:

"The foregoing enactment shall include, and apply to the manufacture and sale of all intoxicating liquors manufactured and sold within the State of Indiana."

Which motion did not prevail.

On motion by Mr. Hicks,

The bill was referred to the committee on Manufactures and Commerce.

No. 60. A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Was read a second time.

When,

On motion by Mr. Orr,

The bill was referred to the committee on Ways and Means.

No. 61. A bill to encourage a spirit of colonization by preventing negroes and mulattoes from acquiring real estate after the first day of July next,

Was read a second time.

When,

On motion by Mr. Burnett,

The bill was referred to the committee on the rights and privileges of the inhabitants of the State.

#### HOUSE BILLS ON THIRD READING.

No. 37. A bill to change the time of holding circuit courts in the 10th Judicial circuit,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenaugh, Pratt, Price, Read, Richardson, Rockafeller, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse,

Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Yount and Mr. Speaker—92.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary:

MR SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House without amendment:

No. 31. A bill to change the time of holding the courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties.

#### SENATE BILLS ON THIRD READING.

No. 14. A bill to prevent the forfeiture of the charters of mining or manufacturing companies within this State on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporate company in this State,

Was read a third time.

When,

On motion by Mr. Laird,

The bill was recommitted to the Judiciary committee with the following instructions:

Amend as follows:

*Provided*, That any bonds and interest checks, subscription of stock heretofore issued, or subscribed by any such manufacturing or mining company in violation of their charters are hereby legalized and declared valid against the company having issued or subscribed the same, and such bonds and interest checks as the same falls due, shall be received by the company that issued the same in payment of all debts due such company from any other corporation or individual: *And provided further*, that the rents of any such company now due, or hereafter accruing upon which any bonds may be a lien for the interest thereon, shall be appropriated by such company in payment of such interest according to the tenor of said bonds: *And provided further*, that any such manufacturing or mining company shall pay all costs that has accrued on any information now pending in any circuit court of this State for a violation of their charter.

By unanimous consent,

Mr. Donelson obtained leave and made the following report:

MR. SPEAKER :

The committee on Federal Relations to whom was referred Senate joint resolution No. 1, beg leave to recommend that the same be laid on the table, and respectfully report as a substitute the following preamble and joint resolution :

Which was concurred in.

And the said joint resolution was laid on the table.

No. 19. A joint resolution asking appropriation for the improvement of the Michigan City harbor.

Which was read a first time and passed to a second reading.

Mr. Chapin from the joint committee on enrolled bills made the following report :

MR. SPEAKER :

The joint committee on enrolled bills have presented bill of the House No. 27, to his excellency the Governor for his signature.

By unanimous consent,

Mr. McDonald of Lake obtained leave and made the following report :

MR. SPEAKER :

The Judiciary committee, to which was referred bill of the Senate No. 13, with instructions, have directed me to report the amendment as instructed, and recommend its passage.

Amend as follows :

*Provided*, That any bonds and interest checks, subscription of stock heretofore issued or subscribed by any such manufacturing or mining company in violation of their charters, are hereby legalized and declared valid against the company having issued or subscribed the same. And such bonds and interest checks as the same fall due, shall be received by the company that issued the same, in payment of any debts due such company from any other corporation or individual.

*And provided further*, That the rents of any such company now due or hereafter accruing, upon which any bonds may be a lien for the interest thereon, shall be appropriated by such company in payment of such interest according to the tenor of said bonds.

*And provided further*, That any such manufacturing or mining company shall pay all the costs that **have accrued on any information now pending in any circuit court of this State for a violation of their charter.**

Which amendments were adopted by the House.

The question then being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lines, Lewis, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Brothwell, Burnett, Dyer, Ferris, Ferguson, Greene, Harris, Henry, Henton, Jones of Boone, Laird, Peckenpaugh, Scott, Shelby, Shuman, Taber, and Yount—17.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Gentry,

The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 28, 1853. }

House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Ferris:

A petition from 23 voters and 8 ladies of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

On motion by Mr. Turpie,

Leave of absence was granted to Mr. Thomas until Monday next.

On motion by Mr. McCormick,  
Leave of absence was granted to Mr. Lasselle until Monday next.

On motion by Mr. Lines,  
Leave of absence was granted to Mr Howell until Monday next  
at noon.

On motion by Mr. Hendricks,  
Leave of absence was granted to Mr. Shuman until Monday next.

#### REPORTS FROM COMMITTEES.

Mr. Shuman from the committee on Roads made the following report :

MR. SPEAKER :

The committee on Roads to whom was referred the resolution to inquire into the expediency of so amending the exemption law, that no exemption shall be allowed on debts and judgments for failing to work on the public highway, have had the same under consideration and have directed me to report that it is not expedient to legislate on the subject.

Which was concurred in.

Mr. Ryan from the committee on Roads made the following report :

MR. SPEAKER :

The committee on Roads to whom was referred resolution No. 8 instructing voters to vote for one supervisor only, have had the same under consideration and have directed me to report that such is the present law, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Wilson from the committee on Roads, made the following report :

MR. SPEAKER :

The committee on Roads to whom was referred house bill No. 44, have had the same under consideration and directed me to report the same back to the house and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Ryan from the committee on Roads made the following report :

MR. SPEAKER :

The committee on Roads to whom was referred resolution No. 7,

inquiring into the expediency of amending the 20th section of an act entitled an act providing for the election or appointment of supervisors of highways, &c., approved June 18th, 1852, having had the same under consideration, have directed me to report

No. 71. A bill to amend the 20th and 21st sections of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18th, 1852.

Which was concurred in and the bill read a first time and passed to a second reading.

Mr. McClure chairman of the committee on Corporations made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred House bill No. 52, entitled a bill to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June, 11, 1852, have had the same under consideration, and have directed me to report back said bill and recommend its passage.

Which was concurred in.

Mr. Jones of Ripley, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred resolution of the House, inquiring into the expediency of authorizing the formation of companies for the purpose of improving the navigation of navigable streams, &c., have had the same under consideration, and have directed me to report that in the opinion of your committee, it is inexpedient to legislate upon the subject.

Which was concurred in.

Mr. Pratt, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred House bill No. 49, have had the same under consideration and instructed me to make the following amendments thereto, and upon the adoption of the same, the committee recommend the passage of the bill:

1st amendment. Strike out sections two and three.

2d amendment. Strike out from the first section of the bill the

following words : "associated or hereafter to be associated as bodies corporate," and insert in lieu thereof the following words: "forming voluntary associations."

The amendment was adopted and the bill ordered to be engrossed.

Mr. Jones of Ripley, from the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township Business to whom resolution of the House was referred, inquiring into the expediency of providing by law for the payment of township assessors, have had the same under consideration, and have directed me to report:

No. 72. A bill providing for the compensation of township assessors.

The report was concurred in, and the bill was read a first time and passed to a second reading.

Mr. Donelson, chairman of the committee on Federal Relations, made the following report:

**MR. SPEAKER:**

The committee on Federal Relations to whom was referred the subject of instructing our Senators to procure the passage of a law by Congress, making an appropriation for constructing a canal around the falls of Ohio on the Indiana side, have had the same under consideration, and I am directed to report:

No. 20. A joint resolution relating to the construction of a canal around the falls of the Ohio river.

The report was concurred in, and the joint resolution was read a first time and passed to a second reading.

Mr. Stockwell, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 39, "a bill to define the boundary lines between the counties of Gibson and Warrick," with the petition of sundry citizens of Gibson county, having had the same under consideration, have directed me to report the same back with the following amendment, and ask the concurrence of the House therein, and that the committee be discharged from further consideration of the subject.

Strike out all after the enacting clause and insert the following: That the following described line shall form and be the boundary line between the counties of Gibson and Warrick, so far as said counties lie contiguous to each other, to-wit: Beginning at the north-east corner of Vanderburgh county, thence running east to

the south-east corner of section fifteen, in township four south of range nine west, thence north to the north-east corner of section three, in township four south of range nine west; thence east with the township line dividing townships three and four south, to the south-east corner of section thirty-two, in township three south of range eight west, thence north to the north-west corner of section twenty-one, in township three south of range eight west.

Sec. 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

The report was concurred in, and the amendment adopted.

Mr. Lowe, from a select committee, made the following report:

**MR. SPEAKER:**

The undersigned member of a select committee to whom was referred House bill No. 39, and pending amendment, would beg leave to make the following report: that I have diligently examined the law in relation to the boundary line between the counties of Warrick and Gibson, and find that the revision of 1852 corresponds precisely with the original boundary between said counties; and of which Warrick county remained in quiet possession of until the revision of 1843, in which revision a mistake was made, cutting off 24 sections from Warrick county and adding the same to Gibson. But in 1844 the Legislature corrected that error, by placing the line on the original boundary. But in 1847 the Legislature struck off 12 sections from Warrick county and added the same to Gibson, which act, as the undersigned verily believes, was in violation of every principle of right, and was never satisfactory to the people of Warrick county. In view of the above facts, the undersigned enters his protest against the passage of the bill as reported back by a majority of said committee.

Mr. Lowe moved to recommit the bill, with the following special instructions. To amend by striking out all after the words Vanderburgh county, and insert the following: thence east to the south-west corner of section 16, in township 4, in range 9; thence north to the north-west corner of section 4, same township and range, thence east to the north-east corner of section 5, in township 4, range 8 west, thence north to the north-west corner of section 21, in township 3, range 8 west;

Which was decided in the negative, and the bill ordered to be engrossed.

On motion,

Leave of absence was granted to Mr. Manville till Monday noon.

#### RESOLUTIONS.

Mr. Seawright offered the following resolution:

*Resolved*, That the committee on Corporations be instructed to

inquire into the expediency of reporting a bill to this House, amending the fifteenth section of the eightieth chapter of the Revised Statutes of 1852, an act authorizing the construction of plank, McAdamized and gravel roads.

Striking out five hundred dollars as the penalty for violating the by-laws of said company, and insert in lieu thereof, not exceeding one hundred dollars.

Mr. Ferris moved to strike out one hundred dollars, and insert five;

Which was not agreed to.

And the question recurring on the resolution,

It was agreed to.

Mr. Spencer offered the following resolution:

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of providing by law for the sale of lands and town lots which have been forfeited to the State for the non-payment of taxes, so as to allow the treasurer to sell said property for what they will bring, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Dunlavey,

*Resolved*, that the committee on Education be instructed to examine into the school law and ascertain if there is any provision therein for the inhabitants of the several townships to draw their proportional part of the school fund next March; and if no such provision exists, that they report a bill making such provision.

On motion by Mr. Buell,

*Resolved*, That the report of the Auditor of State, relative to the State agency, be printed in connection with the report of the Governor and that of the Agent of State upon the same subject.

On motion by Mr. McKee,

*Resolved*, That the Judiciary committee be instructed to inquire whether by the present law of this State persons who, under the old constitution, held the offices of clerk and auditor, are not now prohibited from holding both of said offices where the polls of their respective counties number more than one thousand, and report to this house.

On motion by Mr. Pratt,

**WHEREAS**, A conflict exists in the several provisions of the laws of the last General Assembly, relating to final records in the administration and settlement of decedents' estates, and the settlement of the estates of minors, idiots and lunatics, and in cases where the title to land is in question, sec. 26, page 20, of the 2d volume of the Revised Statutes, requiring a full and final record in the above enumerated cases, and sec. 169, page 288, of the same volume, requiring but a partial record: therefore,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the last-named law, and report to this House at as early a day as practicable.

On motion by Mr. Orr,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the last clause of the second section, and sections 15, 16, 17 and 19, of an act to establish courts of conciliation, approved June the 11th, 1852, on page 224, second volume of the Revised Statutes of 1852, and report to this House by bill or otherwise.

On motion by Mr. Moss,

*Resolved*, That the committee on Education be instructed to inquire into and report to this House, whether negroes and Indians are required to pay a tax for the support of common schools by the laws of 1852.

On motion by Mr. Hamrick,

*Resolved*, That the committee on Military Affairs be requested to inquire into the expediency of repealing an act entitled "an act to re-organize the militia, and providing for the appointment and prescribing the duties of certain officers thereof," approved June 14, 1852, with leave to report by bill or otherwise.

On motion by Mr. Burnett,

*Resolved*, That the committee on County and Township Business be requested to inquire into the expediency of passing a law to authorize the president and the clerk of the board of township trustees, to administer all oaths required in doing township business.

On motion by Mr. Stackhouse,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of enacting a law, requiring the several county commissioners of this State, on proper application being made, to cause a certified copy of the field notes on record in their counties or any part of them to be made, for the use of the county surveyor of their proper county, and report by bill or otherwise.

On motion by Mr. McDonald of Lake,

*Resolved*, That the Clerk of this House be requested to call upon the Editor of the Journal, and inquire why he calls the whig members of this House "rascally whigs," and if he does not prove them so, to pay him off and stop his paper.

Mr. Rockafeller offered the following resolution:

*Resolved*, That this House will, the Senate concurring, adjourn *sine die* on Thursday the third day of February, 1853.

Mr. Work moved to amend by adding, "provided they are through with their business."

Which was agreed to.

And the question recurring on the resolution,

It was decided in the negative.

Mr. Maxfield offered the following resolution:

**WHEREAS**, The Revised Statutes of 1852, not yet having gone into operation, it is certainly inexpedient to change or alter them, (except in a few instances where they conflict,) until time and experience shall have demonstrated the necessity of such change,

AND WHEREAS, the "dear people" will be anxious to know why we cannot complete our labors in a session of six weeks, adjourning *sine die* on February 17, 1853, therefore be it

*Resolved*, That the committee on Public Expenditures be instructed to report by "hand bill" or otherwise, informing them that if we do continue in session longer than six weeks, it will be for the purpose of pocketing three dollars per diem, and attending "Yankee Robinson's" performances at night.

Which was not adopted.

On motion by Mr. Laird,

*Resolved*, That the judiciary committee be instructed to inquire whether section 17, of the "act organizing courts of common pleas," approved May 14th, 1852, does not conflict with section 5, of the amendment to the Constitution of the United States, and report by bill or otherwise.

On motion by Mr. Walker of Laporte,

*Resolved*, That the committee on County and Township business be instructed to inquire into the expediency of so amending an act entitled "an act for the more uniform mode of doing township business," as to provide for dividing each civil township into three districts, each of which shall be represented in the selection of township trustees.

On motion by Mr. Cooper,

*Resolved*, That the Judiciary or other proper committee inquire into the expediency of reporting a bill requiring county auditors, who fail or neglect to make their reports of congressional township and surplus revenue funds, for each current year, according to law, the fees of such county auditors to be withheld until their annual reports are made and receipted therefor, acknowledged by the proper officer.

On motion by Mr. Pratt,

WHEREAS, complaints have been made to the members of this House, by divers clerks, auditors, recorders, treasurers and sheriffs, of the action of the past General Assembly, in the reduction of the fees heretofore allowed them, and of the omission to provide for them any compensation whatever for certain services required at their hands: AND WHEREAS, it is alleged by such officers that the sum total of their fees has, by the action aforesaid, been greatly diminished, while the wages of every other species of labor, have been steadily on the increase, and while the cost of living is much higher than formerly, therefore

*Resolved*, That the committee on the Judiciary be instructed to inquire into such alleged grievances, and if found to be true, they be further instructed to report to this House a bill providing a just compensation to the officers aforesaid, for the various services required of them by law.

Mr. Cooper offered the following resolution:



**WHEREAS**, In discharging a solemn duty to ourselves and posterity, it behooves us to transmit an unsullied name for our State to future generations, and place her in a high position among the debt paying States;

**AND WHEREAS**, It is necessary that we should make a beginning for the gradual extinguishment of our State debt;

**AND WHEREAS**, In times of prosperity and plenty, it is wise and prudent to prepare for adversity and revolution;

**AND WHEREAS**, We believe that the time has arrived at which we may safely make a beginning; therefore,

*Resolved*, That a special committee be appointed to inquire into the expediency of reducing the present State tax of twenty cents on the one hundred dollars valuation of taxable property, in order the better to create a fund for the extinguishment of the State debt;

*And be it further resolved*, That said committee inquire into the expediency of appropriating five or ten cents tax annually, on the one hundred dollars valuation of taxable property, to be applied to the extinguishment of the State debt, and report by bill or otherwise.

Which was adopted.

Whereupon, the Speaker appointed Messrs. Cooper, Durham, Hendricks, Spencer and Chapin, said committee.

On motion by Mr. Shelby,

*Resolved*, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of enacting a law, requiring draw-bridge companies to keep lights on each side of their draws when steamboats are passing through after night.

On motion by Mr. Bundy,

*Resolved*, That when this House adjourn, it adjourn over until Monday morning, so as to enable the committees to make out reports upon the bills and resolutions that are rapidly accumulating upon their hands.

A message from the Governor, by Mr. King, Executive Messenger:

**MR. SPEAKER:**

I am directed by the Governor, to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 117. An act to give livery-stable keepers and others engaged in the feeding of cattle, horses, hogs, and other live stock, a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics, merchants and others, approved May 20, 1852.

No. 31. An act to change the time of holding the courts of common pleas, in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties.

Which bills originated in the House of Representatives.

## BILLS INTRODUCED.

Mr. Hicks obtained leave and introduced,

No. 73. A bill giving discretionary powers to executors and administrators, in the payment of claims against estates.

Which was read a first time, and passed to a second reading.

Mr. Pratt obtained leave and introduced

No. 74. A bill to amend section three of an act entitled, "an act repealing all former acts of the Legislature, except those therein named," approved June 18, 1852, and to transfer to the court of common pleas, all indictments for misdemeanors pending in the circuit courts of this State.

Which was read a first time and passed to a second reading.

Mr. Moss obtained leave and introduced

No. 75. A bill to repeal sections 65, 66, 67, 68, 69 and 70 of "an act to provide for the settlement of decedents' estates; prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852, and to prescribe the manner in which claims against the estate of a deceased person shall be filed, and the allowance of the same by the executor or administrator thereof.

Which was read a first time and passed to a second reading.

On motion by Mr. Stockwell,

Senate bill No. 13, a bill to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13th, 1852;

Was taken from the table.

When, by unanimous consent,

On motion by Mr. Stockwell,

The bill was amended by adding the following section:

SEC. 8. To purchase and hold real estate, for the purpose of erecting and maintaining in repair buildings thereon, for rent or occupancy by the members thereof.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpough, Pratt, Price, Read, Rich-

ardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—88.

No person voting in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Farnsley,

Leave of absence was granted to Mr. Harris until Tuesday next, at noon.

Mr. Buell obtained leave and introduced

No. 76. A bill relative to replevin bail on judgments in the circuit court and court of common pleas;

Which was read a first time and passed to a second reading.

On motion by Mr. Turpie,

Leave of absence was granted to Mr. Fleming until Monday next.

On motion by Mr. Shuman,

Leave of absence was granted to Mr. Hunt until Tuesday evening next.

Mr. Turpie obtained leave and introduced

No. 77. A bill to amend the first section of an act approved June 18th, 1852, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;"

Which was read a first time and passed to a second reading.

Mr. Pratt obtained leave and introduced

No. 78. A bill further defining the duties of the clerk and sheriff of the court of common pleas, in criminal cases, and fixing their compensation;

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Orr, from a select committee, made the following report:

#### MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Miami county, have, according to order, had the subject matter of said petition under consideration, and have directed me to report

No. 79. A bill for the distribution of school funds in the State of Indiana for the year ending on the fourth Monday of March, 1853, and the duties of school teachers, county auditors and treasurers, relative to the distribution of the same;

Which was read a first time and passed to a second reading.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bill of the House:

No. 16. An act to amend the 9th section of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State.

With the following engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

When,

On motion by Mr. Hendricks,

The bill and amendments contained in the foregoing message, were laid on the table.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the amendments of the House to Senate bill No. 14, a bill to prevent the forfeiture of the charters of mining or manufacturing companies, within this State, on account of irregularities in the time and place of meeting of stockholders or directors or in the election of officers, or for having subscribed stock in or made loans to any other incorporated company in this State.

A message from the Senate by Mr. Sites their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 19. A bill for the better regulation of telegraph companies, and legalizing their former acts.

In which the concurrence of the House is respectfully requested.

Bill No. 19 contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 25. A bill to amend an act therein mentioned.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:  
No. 17. A bill to amend an act regulating the duties and election of State Librarian, approved May 27, 1852.

In which the concurrence of the House is respectfully requested.

Bill No. 17, contained in the foregoing message was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on second reading.*

No. 70. A bill to fix the salary of the judges of the supreme court,

Was read a second time, when

Mr. McDonald of Lake moved to indefinitely postpone said bill.  
And the question being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Chapin.

##### *Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Burnett, Catlin, Clark, Donald, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Greene, Hammond, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Wilson, Work, and Yount—66.

##### *Those who voted in the negative were,*

Messrs. Brothwell, Buell, Bundy, Chapin, Cooper, Dodd, Donelson, Dunlavey, Durham, Graham, Hendricks, Henry, Henton, McCormick, McDonald of Lake, Moss, Service, Shelby, Spencer, Stephens, Turpie, Underwood, Walker of Laporte, and Mr. Speaker—24.

Mr. Druley refused to vote.

So the bill was indefinitely postponed.

No. 62. A bill to enable illegitimate children to inherit in certain cases, and to authorize the court of common pleas to make certain orders,

Was read a second time, when,

On motion by Mr. Hendricks,

The bill was referred to the committee on the Judiciary.

No. 63. A bill to amend an act entitled an act touching the relation of guardian and ward, approved June 9th, 1852.

Was read a second time.

When,

On motion by Mr. Buell,

The bill was referred to the committee on the Judiciary.

No. 64. A bill to repeal the general banking law.

Was read a second time,

Mr. Pratt moved to indefinitely postpone the bill,

And the ayes and noes being demanded by Messrs. Pratt and Hicks,

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Buell, Burnett, Chapin, Dodd, Emery, Freeland, Gentry, Goodman, Greene, Hammond, Hartley, Hendricks, Henry, Henton, Hooper, Jennings, Johnson, Lasselle, Lines, Maxfield, McCormick, McDonald of Lake, McKee, Orr, Pratt, Price, Read, Ryan, Scott, Seawright, Service, Shoemaker, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Walker of Laporte, Work, and Yount—43.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brown, Bundy, Catlin, Clark, Donald, Donelson, Druley, Dunlavy, Durham, Dyer, Farnsley, Ferris, Ferguson, Fleming, Gootee, Graham, Handy, Harris, Hicks, Howell, Hunt, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, McClure, McDonnall of Sullivan, McKinney, Moss, Parker, Peckenpaugh, Richardson, Rockafellar, Shelby, Shuman, Simpson, Struble, Taber, Tanner, Turpie, Underwood, Wilson, Yount and Mr. Speaker—49.

So the bill was not indefinitely postponed.

Mr. McDonald of Lake moved to refer the bill to the committee on banks.

Mr. Druley moved that the house adjourn.

Which was disagreed to.

Mr. Underwood moved to lay the bill on the table and make it the special order of the day for Friday next.

Which motion did not prevail.

The question then recurring on Mr. McDonald's motion,

The ayes and noes were demanded by Messrs, McDonald of Lake and Donelson.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Ferguson, Gentry, Goodman, Greene, Hammond, Harris, Hendricks, Henry, Henton, Jennings, Johnson, Jones of Boone, Lasselle, Lewis, Lines, Lowe, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Orr, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Service, Shoemaker, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Underwood, Walker of Laporte, Wilson, and Work--62.

*Those who voted in the negative were,*

Messrs. Able, Donald, Dyer, Ferris, Fleming, Freeland, Gootee, Graham, Handy, Hartley, Hicks, Hooper, Howell, Hunt, Jones of Ripley, Laird, Lemon, McKinney, Parker, Peckenpaugh, Rockafellar, Shelby, Shuman, Simpson, Sutton, Taber, Tanner, Turpie, Yount, and Mr. Speaker--30.

So the bill was referred to the select committee on Banks.

No. 65. A bill to amend an act concerning county treasurers, approved June 4th, 1852.

Was read a second time and ordered to be engrossed.

No. 66. A bill to give authority to judges of the common pleas courts to compel executors and administrators to obey the orders of said courts, and compel the clerks thereof to give additional bonds.

Was read a second time; when,

On motion by Mr. McDonald of Lake,

The bill was referred to the committee on the organization of courts of justice.

No. 67. A bill forming the twelfth judicial circuit, and designating the counties that shall constitute the seventh circuit, and fixing the time of holding courts in said circuit.

Was read a second time;

Mr. Druley moved to refer the bill to a select committee of five.

Mr. Orr moved to amend by adding, "that said committee shall be composed of one from each judicial district adjoining."

Which was agreed to.

And the motion as amended prevailed.

Messrs. Druley, Wilson, Orr, Martin and Fleming were appointed said committee.

No. 68. A bill to amend an act entitled, "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was read a second time; when,

On motion by Mr. Johnson,

The bill was referred to the committee on County and Township Business.

No. 69. A bill to amend an act entitled, "an act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned, approved June 17, 1852.

Was read a second time and ordered to be engrossed.

By unanimous consent, Mr. Dunlavey obtained leave and presented,

A petition from 275 citizens of Clay county, on the subject of relocating the county seat of said county.

Which,

On motion,

Was referred to a select committee heretofore appointed on that subject.

#### HOUSE BILL ON THIRD READING.

No. 53. A bill amendatory of the sixth section of an act entitled, "an act to authorize and limit allowances by courts, and boards, and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases.

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McClure, McDonald of Lake, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, and Yount—75.



*Those who voted in the negative were,*

Messrs. Ballard, Donelson, Durham, Shelby, Stackhouse, Steele, and Mr. Speaker—7.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Donelson,  
The House adjourned.

MONDAY MORNING, 9 o'clock, }  
January 31st, 1853. }

The House met pursuant to adjournment.

The Journal of Friday was read and adopted.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Brown:

A petition from sundry citizens of this State on the subject of temperance.

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Pratt, from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 41, have, according to order, had the same under consideration, and have directed me to report the same back to the House with a recommendation that the bill be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 6, entitled "an act to prevent negroes, mulattoes and Indians from testifying in courts of justice in certain cases, or from acquiring real estate, have had the same under consideration, and have directed me to report that the principle contended for in this bill is contained in a bill of the Senate now pending before this House. The committee would, therefore, respectfully recommend that the bill referred to them be laid on the table.

Which was concurred in, and the bill laid on the table.

Mr. Turpie, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred the petition of Nancy Doherty, alias Fay, and other citizens of Morgan county, have had the same under consideration, and have instructed me to report that, in their opinion, it is inexpedient to legislate upon the subject of the said petition.

The petitioner asks that the undivided half of a certain tract of land in said county, escheated to the common school fund of the State, for want of heirs competent to inherit, should be allowed to descend to the mother of the deceased, a non-resident alien. The petitioner is old, poor and feeble, and if mercy and charity could alone influence the action of the House or the committee, there could not be presented a state of facts better entitled to our commiseration. The son of the petitioner, the owner of the lands in question, died in the month of May, 1850. By the law then in force, one half of his realty escheated to the State for the benefit of the common school fund thereof. The title of the State to said lands in trust for said fund vested at the moment of the death and has ever since existed. The title is not now, and never has been, in abeyance, and in the opinion of the committee the General Assembly could not, in any way, alter or change the rules of escheat, so as to affect rights already vested, under prior legislation. The Legislature could probably change the law so as to declare what property should escheat in future, if such action should be deemed expedient; but such an enactment would not reach, and could not relieve the case of the petitioners.

Which was concurred in.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom Senate bill No. 18

on the subject of compensation to owners of stock injured by locomotives was referred, have had the same under advisement, and have directed me to report that in the opinion of the committee the law of 1852, on page 426, of the first volume of the Revised Statutes, is sufficient to protect the interests of persons who live in the vicinity of railroads. That the provisions of the bill now returned to this House are of such a character as to encourage carelessness on the part of the owners of stock, and the committee are fearful that they might tempt evil disposed persons to annoy railroad companies with their stock, being so securely provided in said bill for compensation for all stock killed or injured, under whatever circumstances the same may have happened. The committee would therefore recommend the indefinite postponement of said bill.

The report was concurred in, and the bill indefinitely postponed.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 13, entitled "an act to amend an act entitled 'an act providing for the appointment of notaries public, and defining their powers and duties,' approved June 9th, 1852, amending section 2, and repealing sections 3 and 7 of said act," with instruction to strike out the words "and seven," where they occur in section 2 of said bill, have stricken said words from the bill, and instruct me to report the bill back to the House as amended.

Which was concurred in.

And the bill as amended was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Buell, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Dunlavey, Durham, Dyer, Ferris, Goodman, Greene, Hamrick, Handy, Hendricks, Henton, Hicks, Hooper, Jennings, Jones of Ripley, Laird, Lines, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Pratt, Peckenhough, Price, Read, Rockafellar, Scott, Service, Shelby, Simpson, Stackhouse, Stephens, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Brecount, Catlin, Donelson, Druley, Emery, Farnsley, Ferguson, Gentry, Hammond, Henry, Johnson, Lasselle, Lemmon, Lewis, Lowe, Maxfield, Richardson, Shoemaker, and Steele—19.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Scott, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee to whom was referred resolution No. 46, upon the subject of the payment of agents employed to transport persons charged with crimes, when arrested in other States, have directed me to report that they are of opinion that a law should be enacted upon that subject, if the same can be done with proper restrictions, and have directed me to report

No. 80. A bill to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress approved February 12th, 1793.

Which was read a first time, and passed to a second reading.

Mr. Moss, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 28, entitled "an act to repeal an act entitled 'an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county,'" approved January 5, 1849, have had the same under consideration. By the original act of incorporation, the council of the city of Rising Sun had power to "levy and collect a tax on all real and personal property within the bounds of the corporation, except the property of widows, who were allowed three hundred dollars exempt from taxation." By the amendment proposed to be repealed by the bill under consideration, the right "to levy or collect any tax or taxes of any sort or kind for corporation purposes on any real estate which was not within the limits of the lots, streets and alleys of the city proper," was taken away. It appears by this amendment a large amount of property within the limits of the city, owned by persons entitled to vote at the city elections, is exempt from taxation for city purposes. This is evidently unjust; for if the privileges and immunities extended to a municipal corporation are worth anything, there can be no good reason for exempting a part of the property of the persons thus benefitted from all burthens necessarily incident thereto. A majority of the committee have therefore directed me to report the bill back to the House with the accompanying amendments, and when so amended, to respectfully recommend its passage.

Amend the first section by striking out all after the word "repealed," in the sixth line thereof.

Which amendment was adopted.

Mr. Pratt offered the following amendment:

*Provided*, That said city of Rising Sun shall not have power to

assess and collect taxes for corporation purposes on any real estate used for farming purposes, where there is twenty acres or more thereof in a body, and where a part of a tract of twenty acres or more is within the city limits, and used as aforesaid, no tax shall be assessed thereon.

Which was adopted.

And as amended, the bill ordered to be engrossed.

Mr. Moss, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 42, have had the same under consideration, and have directed me to report it back to the House with the accompanying amendments, and when so amended, to respectfully recommend its passage.

Strike out all after the enacting clause, and insert the following: When any person holding lands on either side of any river or creek, being the boundary between two counties, shall wish to establish a public ferry across the same, he shall apply to the board of county commissioners for the county in which his lands lie, who are hereby authorized to establish such ferry, from the land of such applicant to the opposite side, and in such case a certified copy of the order establishing such ferry shall be transmitted to the auditor of the county on such opposite side at the expense of such applicant; and thereupon each county may assess a tax upon such ferry, as in other cases; provided, that each county shall assess the same amount, the total of which shall not exceed the amount usually charged for such ferrys, when only one county is concerned. Nothing herein contained shall be so construed as to make any person liable for crossing his own property, or that of any other person, unless he receives pay for the same.

The report was concurred in and the bill ordered to be engrossed.

Mr. Turpie, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee upon the Judiciary to whom was referred House bill No. 22, entitled a bill to repeal section 6 of an act entitled an act, defining felonies and prescribing punishment therefor, have had the same under consideration and have instructed me to report the same back, with a recommendation of its passage. The object of the bill is to avoid a conflict in the Revised Code of last winter in the manner of inflicting the punishment of death. The section proposed in the bill to be repealed, provides that the sheriff shall summon a judge and clerk of a court of record and five other persons to wit-

ness the execution; and that such witnesses should deliver a certificate of the same to the officer afterwards. Another part of the Statute, sec. 134, R. S., vol. II, page 379, provides that the sheriff shall summon divers persons, twelve in number, to witness the execution. In the opinion of the committee, the retention of the section first mentioned, which is proposed by the bill to be repealed, even if not in conflict with the latter would not be useful. The main feature in it seems to be the certificate of the witnesses, which would encumber the record, as the return of the officer upon the warrant would show every thing required by law, in the performance of such a duty as execution of sentence of death.

The report was concurred in and the bill ordered to be engrossed.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom was referred House bill No. 46, upon the subject of insurance companies have had the same under advisement, and have directed me to report the same back to the House without amendment, and recommend its passage.

Which was concurred in,

And the bill ordered to be engrossed.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following joint resolution of the House without amendment:

No. 17. A joint resolution asking Congress to donate all the unsold lands in the State of Indiana to common school purposes.

Mr. Ryan, from the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to whom was referred resolution No. 8, of inquiry relative to diminishing the width of the Michigan road, have had the same under consideration and have directed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Underwood chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred resolution No. 15, inquiring into the expediency of au-

thorizing the Governor to remove the insane persons confined in the penitentiary to the hospital for the insane, have had the same under consideration and direct me to report that any interference on the part of the General Assembly with cases of insanity other than what is already provided for by laws regulating the Indiana hospital for the insane would be injurious to the interest of the institution, and therefore inexpedient. The resolution is referred back again with the recommendation that the subject be indefinitely postponed.

In which the concurrence of the House is respectfully requested.  
Which was not concurred in.

#### BILLS INTRODUCED.

Mr. Maxfield obtained leave and introduced,

No. 81. A bill to provide for the exemption from taxation the property of widows and children in certain cases.

Which was read a first time, and passed to a second reading.

Mr. Hendricks obtained leave and introduced

No. 82. A bill to regulate the permission of foreign insurance companies to establish agencies within this State.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Third Reading.*

No. 8. A bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases when white persons are parties in interest.

Was read a third time.

Mr. Moss moved to recommit the bill with the following instructions:

Amend section 1 as follows:

*Provided*, that nothing herein contained shall be construed to prevent negroes and Indians, and persons having one-eighth part of negro or Indian blood from testifying as witnesses in all cases where the title to property derived through such persons is in question; and in all cases where torts or offenses have been committed against their persons or property.

The question being on recommitting the bill with the instructions,  
The ayes and noes were demanded by Messrs. Durham and Underwood.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Buell, Bundy, Donald, Druley, Emery, Ferris, Gentry, Goodman, Graham, Greene, Hammond, Hendricks, Henry,

Hicks, Hooper, Jennings, Jones of Ripley, Lasselle, Maxfield, McDonald of Lake, McKinney, Milroy, Moss, Orr, Pratt, Price, Ryan, Service, Shoemaker, Steele, Stevens, Walker of Laporte, Wilson, Work, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Burnett, Catlin, Clark, Cooper, Dodd, Donelson, Dunlavey, Durham, Dyer, Farnsley, Ferguson, Freeland, Gootee, Hamrick, Handy, Henton, Jones of Boone, Laird, Lemmon, Lewis, Lines, Lowe, McDonnall of Sullivan, McKee, Peckenpaugh, Read, Richardson, Rockafellar, Scott, Shelby, Simpson, Stackhouse, Sutton, Taber, Tanner, Turpie, and Underwood—39.

So the bill was not recommitted.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brown, Bundy, Burnett, Catlin, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Henton, Hicks, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lines, Lowe, McDonnall of Sullivan, McKee, McKinney, Orr, Peckenpaugh, Read, Richardson, Rockafellar, Scott, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Sutton, Tanner, Turpie, and Underwood—50.

*Those who voted in the negative were,*

Messrs. Brothwell, Ferris, Greene, Hammond, Hendricks, Henry, Hooper, Lasselle, Lewis, Maxfield, McDonald of Lake, Milroy, Moss, Price, Ryan, Service, Stephens, Taber, Wilson, Walker of Laporte, Work, and Mr. Speaker—22.

So the bill did not pass for want of a constitutional majority.

House joint resolution No. 19, a joint resolution asking an appropriation for the improvement of the Michigan City Harbor,

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON SECOND READING.

No. 71. A bill to amend the 20th and 21st sections of an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved June 18th, 1852,

Was read a second time ; when,



On motion by Mr. Service,

The bill was referred to the committee on county and township business.

No. 72. A bill providing for the compensation of township assessors,

Was read a second time and ordered to be engrossed.

No. 73. A bill giving discretionary powers to executors and administrators, in payment of claims against estates,

Was read a second time, when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

No. 74. A bill to amend section 3 of an act entitled an act repealing all former acts of the Legislature, except those therein named, approved June 18th, 1852, and to transfer to the court of common pleas all indictments for misdemeanor pending in the circuit court of this State;

Was read a second time, when,

On motion by Mr. Dodd,

The bill was referred to the committee on the Judiciary.

No. 75. A bill to repeal sections 65, 66, 67, 68, 69 and 70, of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, and to prescribe the manner in which claims against the estate of a deceased person shall be filed, and the allowance of the same by the executor or administrator thereof;

Was read a second time, when,

On motion by Mr. Hammond,

The bill was referred to the committee on the Judiciary, with the following instruction:

That the committee examine the provision contained in the act, amended by the bill, and report by bill or otherwise, such changes as are necessary and expedient to be made in said act.

No. 76. A bill relative to replevin bail on judgment in the circuit court and court of common pleas;

Was read a second time, when,

On motion by Mr. Henton,

The bill was referred to the committee on the Judiciary.

No. 77. A bill to amend the first section of an act approved June 18th, 1852, entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto;

Was read a second time.

Mr. Turpie moved to refer the bill to the Judiciary committee,

When,

On motion by Mr. Orr,

The reference was changed to the committee on County and Township Business.

No. 78. A bill further defining the duties of clerk and sheriff of the court of common pleas in criminal cases and fixing compensation;

Was read a second time.

Mr. Henry moved to refer the bill to the committee on the Organization of Courts of Justice.

When,

On motion by Mr. Pratt,

The reference was changed to the committee on the Judiciary.

By unanimous consent,

The order of business was suspended, and the report of the committee in relation to the boundary line between Knox and Pike counties, was taken up, when,

On motion by Mr. McDonald of Lake,

The report was laid on the table.

No. 79. A bill for the distribution of school funds in the State of Indiana, for the year ending on the fourth Monday of March, 1853, and the duties of school teachers, county auditors and treasurers, relative to the distribution of the same;

Was read a second time.

Mr. Jennings moved to amend the bill by adding the following:

SEC. —. When a district shall have voted a tax for the purpose of building a school house, as provided for under the district system of common schools, which tax shall have been in whole or in part paid in, and is unexpended, and is not contracted to be expended by the officer having the custody thereof, such officer shall refund to the persons having so paid, the amount to which they may be severally entitled, upon demand being made thereof.

When,

On motion by Mr. Gentry,

The bill and amendments were referred to the committee on Education.

#### SENATE BILLS ON SECOND READING.

No. 17. A bill to amend an act regulating the duties and election of State Librarian, approved May 27, 1852;

Was read a second time; when,

On motion by Mr. Donelson,

The bill was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

No. 19. A bill for the better regulation of telegraph companies, and legalizing their former acts,

Was read a second time; when,

On motion by Mr. Johnson,

The bill was referred to the committee on the Judiciary.

No. 25. A bill to amend an act therein mentioned,  
Was read a second time, and the bill was referred to the committee  
on the Judiciary.

On motion by Mr. Hamrick,  
Leave of absence was granted to Mr. Spencer.

By unanimous consent,

Mr. Buell obtained leave and offered the following preamble and  
resolution:

WHEREAS, It is currently reported that one of the free banks of this  
State, situated at Newport, has lately refused to redeem its paper  
upon presentation; therefore,

Resolved, That a select committee of five be appointed to inquire  
into the circumstances under which the presentation was made, the  
amount of paper presented, the names of the persons presenting it,  
and the time of the presentation, and report to this House at the  
earliest possible day.

Mr. McDonald of Lake moved to amend by adding "and the  
owners thereof;"

Which amendment was agreed to.

Mr. Work moved to amend the amendment by inserting "one from  
each congressional district;"

Which was decided in the affirmative.

And the question recurring on the resolution as amended,

It was agreed to.

On motion by Mr. Underwood,  
The House adjourned.

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2 o'clock, P. M.

House met.

The Speaker announced the following as the select committee on  
the resolution of Mr. Buell on the subject of the Newport Bank:

Messrs. Buell, 6th; Stockwell, 1st; Laird, 2d; Gentry, 3d; Dur-  
ham, 4th; Druley, 5th; Dunlavey, 7th; Stephens, 8th; McDonald  
of Lake, 9th; Work, 10th; and Lines, 11th.

Mr. McDonald of Lake asked to be excused from serving on the  
committee, and recommended Mr. Pratt to be substituted in his place;  
Which was agreed to.

#### HOUSE BILLS ON THIRD READING.

No. 44. A bill to amend an act entitled "an act to authorize  
boards doing county business to declare water courses navigable:"

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Henton, Hicks, Hooper, Howell, Jennings, Jones of Boone, Jones of Ripley, Lemmon, Lewis, Lines, Lowe, Manville, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Peckenpaugh, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Work, and Mr. Speaker—72.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 57. A bill to attach township No. 1, north of range eight west, and sections No. 31, 32, 33, 34, 35, 36, in township No. 2, north of range No. 8 west, now constituting a part of the county of Knox, to the county of Pike;

Was read a third time.

Mr. Scott moved to recommit the bill to the committee on the Rights and Privileges of the Inhabitants of the State, with the following instructions: "To ascertain the correct boundary between the counties of Knox and Pike."

Which was not agreed to.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Clark, Donald, Donelson, Dunlavey, Emery, Farnsley, Ferris, Gentry, Graham, Greene, Hammond, Handy, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Laird, Lemmon, Lines, Manville, McCormick, McClure, McDonald of Lake, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Rockafellar, Seawright, Service, Shelby, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Walker of Laporte, Wilson, and Work—53.

*Those who voted in the negative were,*

Messrs. Buell, Burnett, Cooper, Dodd, Druley, Dyer, Ferguson, Fleming, Freeland, Goodman, Gootee, Hamrick, Hartley, Henton, Jones of Boone, Jones of Ripley, Lewis, Maxfield, McDonnall of Sullivan, McKee, Richardson, Ryan, Scott, Shoemaker, Stockwell, Sutton, Tanner, Underwood, and Mr. Speaker—29.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Dunlavey, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred No. 47, "a bill to authorize the re-location of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county," have had the same under consideration, and beg leave respectfully to submit the following amendments, and to recommend the passage of the bill:

1. Amend by striking out of the preamble the words: "And whereas, an emergency exists that this act should take effect and be in force from and after its passage."

2. Amend by striking out section six (6.)

3. Amend by striking out section nine, and inserting the following:

SEC. 9. In case of the death, or refusal to serve, of one or more of said commissioners, a majority of said board shall be, and they are hereby authorized to act as if the whole board were present.

4. Amend by striking out section 10, and inserting:

SEC. 10. Whereas, an emergency exists, demanding the immediate taking effect of this act, it is hereby declared that it shall be in force from and after its passage, and the filing of a copy of it in the office of the clerk of the circuit court of the county of Clay.

Your committee would state that they have spared no pains in investigating the merits of the subject of this report; and they present the following, among other reasons, which have influenced them in concurring unanimously in recommending the passage of the bill (amended as herein suggested) now before the House:

1. Bowling Green is situated on the eastern boundary, and not as a county seat should be, near, if not directly in, the centre of the county.

2. Eel river, a stream, flows along the western side of the town of Bowling Green, taking such a course through the county as to compel three-fourths of the inhabitants to cross it in order to reach the county seat. This stream is subject to overflowing its banks during several months in the year, it is exceedingly difficult, in most places to cross.

3. A large majority of the voters of Clay county have petitioned for many years for a re-location of their county seat, and we believe that a majority should rule in all such cases.

Your committee ask to be discharged from a further consideration of the subject.

The report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. McDonald of Lake,

Leave of absence was granted to Mr. Henton on account of sickness in his family.

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit;  
Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Hendricks, Henry, Hicks, Howell, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Seawright, Service, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Wilson, Walker of Laporte and Work—80.

*Those who voted in the negative were,*

Messrs. Shelby and Mr. Speaker—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 52. A bill to amend an act entitled, "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.

Was read a third time,

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell, Buell, Bundy, Burnett, Catlin, Clark, Dodd, Donald, Donelson, Druley, Dunlavey, Dyer, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Steele, Stephens, Stockwell, Struble, Sutton,

Taber, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Henry, Jones of Boone, Stackhouse, and Tanner—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 55. A bill to amend an act entitled, "an act for the government of the Indiana Hospital for the Insane," approved June 15, 1852,

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson and Mr. Speaker—83.

Mr. Work voting in the negative—1.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 65. A bill to amend an act entitled, "an act in relation to county treasurers," approved June 4, 1852,

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Hooper, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of

Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Sutton, Struble, Stockwell, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Donelson, Fleming, and Howell—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 39. A bill to more particularly define the boundary line between the counties of Gibson and Warrick,

Was read a third time; when

Mr. Lowe moved to recommit the bill with the following instructions:

Strike out all after the words "Vanderburgh county," and insert the following: Thence east to the south-west corner of section 16, township 4, range 9 west, thence north to the north-west corner of section 4, same town and range, thence east with the township line dividing towns 3 and 4 west, to the south-east corner of section 32, town 3, range 8 west, thence north to the north-west corner of section 21 in the last mentioned town and range.

Which was disagreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Bundy, Burnett, Catlin, Clark, Donald, Dyer, Dunlavey, Emery, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Hartley, Hendricks, Hooper, Howell, Jennings, Johnson, Manville, McCormick, McDonald of Lake, McDonnall of Sullivan, Orr, Peckenpaugh, Pratt, Price, Scott, Service, Shelby, Shoemaker, Simpson, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Walker of Laporte, Wilson, Work, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Buell, Cooper, Dodd, Druley, Durham, Farnsley, Ferris, Fleming, Greene, Hammond, Henry, Hicks, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Maxfield, McClure, McKee, McKinney, Milroy, Moss, Richardson, Rockafellar, Seawright, Stackhouse, Taber, and Underwood—31.

So the bill did not pass for want of a constitutional majority.



No. 69. A bill to amend an act entitled an act to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned, approved June 17th, 1852.

Was read a third time,

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount Bridges. Brothwell, Brown, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham. Greene, Goodman, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shoemaker, Simpson, Staekhouse, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—79.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 20. A joint resolution relating to the construction of a canal around the falls of the Ohio.

Was read a second time and ordered to be engrossed.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution thereof.

No. 6. A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario with Lake Erie.

In which the concurrence of the House is respectfully requested.

Joint resolution No. 6, contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Sties their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof.

No. 30. A bill to authorize guardians, executors, and administrators to lay off the real estate of their wards into town lots, and to dedicate streets, alleys and squares to public use, when so ordered by the proper court;

No. 32. A bill to amend an act entitled an act prescribing the duties of treasurer of State, approved May 20, 1852;

No. 35. A bill to provide for the punishment of persons guilty of counseling and advising, aiding and abetting, in this State, in the perpetration or attempt to perpetrate a felony in another State;

No. 37. A bill to amend an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852.

In which the concurrence of the House is respectfully requested.

Bills Nos. 30, 32, 35 and 37, contained in the foregoing message, were read a first time and passed to a second reading.

Mr. Chapin, from the joint committee on Enrolled bills made the following report:

**MR. SPEAKER :**

The joint committee on Enrolled Bills, has presented House bill No. 31, to his excellency the governor for his signature.

Mr. Hicks from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER :**

The committee on Enrolled Bills have compared the accompanying enrolled joint resolution No. 17, with the engrossed resolution of the House of the corresponding number, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Thomas from the committee on Enrolled bills made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills, have examined House bill No. 31, a bill to change the time of holding the courts of common pleas in the district composed of the counties of Vanderbergh and Warrick, and to authorize an extra term of said court, in each of said counties, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Fleming from the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bills of the House, Nos. 7, 53, 55 and 57, and find them correctly engrossed.

Mr. Fleming, from the committee on Engrossed bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bills of the House, Nos. 39, 44, 49 and 52, and find them correctly engrossed.

On motion by Mr. Work,  
The House adjourned.

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TUESDAY MORNING, 9 o'clock, }  
February 1st, 1853. }

House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Brown:

A petition from sundry citizens of the town of Knox, Starke county, asking to be incorporated;

Which was referred to the committee on Corporations.

By Mr. Ferguson:

A petition from sundry citizens of Greene county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Ryan:

A petition from sundry citizens of Warren county on the subject of the school law;

Which was referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Lasselle, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred a resolution, instructing them to inquire into the expediency of changing the assessment law of the last session, so as to require every man to assess his own property, and hand it to the assessor at April elections, have had the same under consideration, and have directed me to report that, that in the opinion of your committee it would be inexpedient to legislate upon the subject, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Jennings, from the committee on Ways and Means made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred a resolution instructing them to inquire into the expediency of so amending section 94, of chapter 6 of Revised Statutes, as requires county treasurers to attend at the usual places of holding elections in each township for one day to receive taxes, discretionary with the board of county commissioners, have had the same under consideration, and have directed me to report, that in the opinion of the committee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Dodd, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred a resolution instructing them to inquire into the expediency of so amend.

ing the revenue law as to prevent in any case a double taxation, have had the same under consideration, and have directed me to report that your committee knows of no instance in which property is doubly taxed under the present law, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred House bill No. 23 entitled an act for the equal distribution of property assigned for the benefit of creditors, have according to order had the same under consideration, and a majority have directed me to report the same back to the house and recommend its indefinite postponement.

The bill contemplates an entire change in that branch of the law relating to assignments by debtors in failing circumstances of their property for the benefit of creditors. The law in this State has hitherto been, that a debtor in embarrassed circumstances, unable to meet his engagements, might assign his estate in trust for the benefit of his creditors, preferring one creditor to another, but saving all rights acquired by him. This statement of the law excepts that period while the bankrupt act, created in 1841, was in force.

Under the protection of this law, doubtless much injustice has been and will continue to be committed. The preferences exerted by the creditor have doubtless been in many cases in favor of persons and demands entitled to no special distinction, indeed the power of unjust favoritism is the worst feature of the law, and unfortunately admits of no efficient control. But because the power may be abused it does not of necessity follow that it should be stricken down. There is no power lodged in mortal hands, checked and guarded by the most cautious legislation, that may not be abused. It should be remembered that the debtor knows best the comparative claims upon his justice and honor, of his several creditors, and can best discriminate between them—some debts may be of such stringent obligation upon his feelings as a man, that every sacrifice would be made to meet them, while others, though strictly legal and capable of enforcement, may not impose the slightest incumbrance on his conscience. One creditor may be very poor and meritorious, the loss of whose debt would entail great privation and distress, another may be rich, to whom the loss would be slight: a third might be in the act of enforcing an unconscientious demand, without pity, and with all the iron rigor of the law. Now shall it be said to the unfortunate debtor about to be overwhelmed with ruin, and utterly unable to extricate himself from his embarrassments, that he shall not discriminate between creditors who have such unequal claims upon his humanity, his sense of honor and justice?

The bill now reported back to the house, wholly forbids this discrimination and denies any distinction among creditors.

While the committee are apprized that the legislation of several of the States has established this principle, they have yet to learn that true wisdom points to their example as one to be followed: on the contrary, they are of the opinion that with all its mischiefs, our past rule is the best.

On motion by Mr. Moss,

The report and bill were laid on the table.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER :**

The committee on the Judiciary, to whom was referred House bill No. 40, entitled an act to exempt property from sale in certain cases, and to repeal an act therein named, together with the pending amendment, have considered the same, and have directed me to make the following report:

That the act of Feb. 17, 1852, proposed to be repealed, exempts from sale on execution property belonging to a resident householder, to the amount of three hundred dollars, the property so exempted to be real or personal or both, at the election of the debtor.

The bill under consideration proposes to reduce the amount exempted to one hundred and fifty dollars, and the amendment proposes to reduce it to one hundred and seventy-five dollars, the property so exempted to be personal only.

This is the principal difference between the bill under consideration and the law as it now stands. The 22nd section of the 1st article of the constitution is as follows:

The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability, hereafter contracted.

This provision seems to render the enactment of a law exempting some amount of property imperative. The only question is, as to the kind and the amount of property so to be exempted. This was determined by the act of the last Legislature. As the practical workings of that act have not yet been tested by experience, and as it is not known that there exist any reasons for its repeal, that were not considered at its enactment, your committee are of the opinion that further legislation on the subject, is at this time inexpedient. They, therefore, respectfully recommend that the bill and pending amendment be indefinitely postponed.

Mr. Donald moved that the report be laid on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Henry and Jones of Ripley.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brown, Donald, Durham, Fleming, Gootee, Greene, Howell, Lemmon, Lowe, Read, Shelby, Steele, and Mr. Speaker—15.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Brothwell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Hicks, Hooper, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Simpson, Stackhouse, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, and Work—72.

So the report was not laid on the table.

The question then recurring on concurring in the report,

The ayes and noes were demanded by Messrs. Graham and Farnsley.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Burnett, Catlin, Chapin, Clark, Dodd, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Free-land, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Hartley, Hendricks, Henry, Hooper, Johnson, Lasselle, Lewis, Lines, Manville, Maxfield, McDonald of Lake, McKinney, Milroy, Moss, Orr, Pratt, Richardson, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Steele, Stephens, Struble, Tanner, Underwood, and Work—51.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brown, Bundy, Cooper, Donald, Donelson, Durham, Fleming, Graham, Hicks, Howell, Jennings, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lowe, McClure, McDonnall of Sullivan, McKee, Parker, Peckenpaugh, Price, Read, Rockafellar, Simpson, Stackhouse, Stockwell, Sutton, Taber, Turpie, Walker of Laporte, Wilson, and Mr. Speaker—36.

So the report was concurred in, and the bill and amendment were indefinitely postponed.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 38, entitled "an act for a more uniform mode of solemnizing marriages, and matters properly connected therewith," have had the same under consideration. They are unanimously of opinion that further legislation in respect to the subject-matter of the bill, is unnecessary and inexpedient. The committee have, therefore, directed me to report it back to the House, and to respectfully recommend that it be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred bill No. 33, entitled "a bill to amend an act entitled 'an act regulating the relation of master and apprentice,'" approved May 27, 1852, have had the same under consideration, and have unanimously instructed me to report back the same, with a recommendation that the same be indefinitely postponed. The object of the bill is to prevent the master or masters from compelling the apprentice to perform any work not immediately connected with the business articulated for in the indenture, and it gives the apprentice power to enter complaint, &c.

The Revised Code of last winter gives power to the apprentice to enter complaint for any improper conduct on the part of the master; and to have a trial of the same, and to have the indenture annulled, if the complaint is sustained. And, in the opinion of the committee, that is all that is needed. In the opinion of the committee, the confining of the apprentice entirely to his trade, without giving power to the master to require services in any other manner, would not be beneficial to either party. It would be the continual source of mutual bickerings and quarrels, and of the most useless litigation. The present law, allowing the master the right which a parent has over his children, in this respect, and giving to the apprentice the right to complain, should such right be abused, is the old, established rule; and, in the opinion of the committee, an interference such as proposed in the bill, would tend to destroy the confidential relations which should exist between the parties, to no useful purpose.

Which was concurred in, and the bill indefinitely postponed.



Mr. Ryan, chairman of the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to whom was referred resolution No. 28, inquiring into the expediency of limiting the number of days work on, in each year, to four, have had the same under consideration, and directed me to report that they think further legislation on that subject to be unnecessary at this time, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Donald, from the committee on Canals and Internal Improvements, made the following report:

**MR. SPEAKER:**

The committee on Canals and Internal Improvements, to whom was referred the joint resolution praying the General Government for a grant of part of the unsold land lying in the Vincennes land district, to aid in the construction of a railroad from Troy, in Perry county, Indiana, to Greencastle, in Putnam county, in said State, have had the same under consideration, and a majority of said committee direct me to make the following report, to-wit: That it is inexpedient to legislate upon the subject at this time, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Chapin, chairman of the committee on Banks, made the following report:

**MR. SPEAKER:**

Your committee, to whom was referred resolution of the House No. 38, in relation to suspending the privilege of creating any new banks for the space of two years, have had the same under consideration, and as the House has already, by its action, refused to repeal the present law, and there being two bills before the select committee on Banks, in which this question is involved, your committee think it inexpedient, for the present, to legislate upon this subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, beg leave

to report the following bill, amendatory to the several acts for the government of the Institutions for the Education of the Deaf and Dumb and Blind, and recommend its passage:

No. 83. A bill to amend an act entitled "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852; also, amendatory to an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852;

Which was read a first time and passed to a second reading.

Mr. Bridges, chairman of the committee on Manufactures and Commerce, made the following report:

**MR. SPEAKER:**

The committee on Commerce and manufactures to whom was referred House bill No. 59, entitled "a bill to punish and prevent frauds in the use of false seals, stamps and labels," have had the same under consideration, and have directed me to report the bill back without an amendment and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Howell, chairman of the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township Business, to whom was referred House bill No. 51, entitled a bill to amend an act entitled, "an act to provide for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage, and they ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from a select committee, made the following report:

**MR. SPEAKER:**

The committee on Temperance, to whom was referred resolution No. 6, of this House, relative to that part of the Governor's message, which recommends that drunkenness be made a crime, have had the same under consideration, and have instructed me to report the same back to this House, with a recommendation that the same be laid upon the table, as in the opinion of the committee, legislation on the subject would be inexpedient.

Which was concurred in.

Mr. Brown, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred a petition from sundry citizens of Starke county, praying for the passage of an act to prevent the gathering of cranberries on public lands in this State before they are ripe, have had the same under consideration, and instructed me to report,

No. 84. A bill to prevent the gathering of cranberries on public land, in the State of Indiana, before they are ripe."

Which was read a first time and passed to a second reading.

Mr. Laird, from a select committee, made the following report :

MR. SPEAKER :

The committee on Temperance, to whom was referred resolutions No. 11 and 22, in relation to the expediency of repealing all laws granting license for selling intoxicating liquors, have had the same under consideration, and request me to report, that it is inexpedient at this time to legislate further upon that subject, and ask to be discharged from the further consideration of said resolutions.

When,

On motion by Mr. Johnson,  
The report was laid on the table.

Mr. Ferris, from a select committee, made the following report :

MR. SPEAKER :

The committee on Temperance, to whom was referred resolution No. 27, directing them to inquire whether the use of spirituous liquors in mixing and preparing medicines, cannot, on scientific principles, be dispensed with, have had the same under consideration, and have directed me to make the following report: That inasmuch as the Medical Faculty stand divided on this subject, it should hardly be expected that your committee could settle so grave a question, and they therefore decline expressing an opinion, and ask that they be discharged from the further consideration thereof.

Which was concurred in.

Mr. Milroy, chairman of the select committee on Temperance, made the following report :

MR. SPEAKER :

In obedience to a resolution of the House, I have the honor to report that the number of voters, upon petitions referred to the select

committee on the subject of Temperance, is 5261, and the whole number of petitioners, 7452.

Which was informally laid on the table.

#### RESOLUTIONS.

On motion by Mr. Orr,

*Resolved*, That the committee on banks be instructed to inquire into the expediency of enacting a law to prohibit any bonds but the bonds of the State of Indiana, and the bonds of the United States, to be taken in any case whatever as security for banking privileges, and report to this House by bill or otherwise without delay.

On motion by Mr. Walker of Laporte,

*Resolved*, That the Treasurer of State be instructed to furnish this House, for the use of the committee on swamp lands, the amount of swamp lands donated to the State, situated in each county.

On motion by Mr. Clark,

*Resolved*, that the committee on education be instructed to inquire into the expediency of so amending the school law, as to make it the duty of the township trustees to establish schools with strict reference to school houses already built, and in no case to remove the school from the present location where there are twenty-five scholars in attendance, unless by consent of a majority of the voters sending to said school.

Mr. Jennings offered the following resolution:

*Resolved*, That this House will, the Senate concurring, adjourn *sine die* on the 22d instant.

Mr. Rockafellar moved to amend the resolution by striking out the 22d, and insert in lieu thereof the 15th.

Mr. Cooper moved to indefinitely postpone said resolution and amendment,

Which was not agreed to.

The question then being on Mr. Rockafellar's amendment.

It was decided in the negative.

When,

On motion by Mr. Johnson,

The resolution was laid on the table.

Mr. Ryan offered the following preamble and resolution:

WHEREAS, it is evident that great evils and mischiefs have resulted from the fact that magistrates and other peace officers have been permitted to take as bail on recognizance bail bonds, persons that are transient and unsafe, such persons having the right to file their oath as to their solvency; and

**WHEREAS**, it is often the case that the sureties alluded to are accomplices in misdemeanors and crime, and who are willing to swear falsely to aid and assist their friends or partners from the clutches of the law; therefore,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of enacting a law to make it obligatory on those officers, when taking recognizance bonds where felony has been sustained, that they shall require the defendant, in giving bail bond, to give for bail men living in the county where the offense was committed, who are solvent and good, and not in any case take a man living out of said county, unless he can prove by disinterested men that are reliable in said county, that he is good for the amount.

Which was adopted.

On motion by Mr. Taber,

*Resolved*, That the committee on scientific and benevolent institutions be instructed to inquire into the expediency of appropriating the sum of \$100 for the benefit of the library of the Insane Asylum, and report by bill or otherwise.

On motion by Mr. Buell,

*Resolved*, That the select committee appointed to inquire into the current report of a refusal by a free bank at Newport to redeem its paper upon presentation, be, and they are hereby authorized to send for persons and papers.

On motion by Mr. Lewis,

*Resolved*, That the committee on County and Township Business be instructed to inquire into the expediency of so changing that portion of an act prescribing the powers and duties of coroners, approved May the 27th, 1852, to-wit: the 8th section, so as to make it the duty of the jury to call for a surgeon when necessary, and not otherwise: and in no case shall the coroner be at liberty to employ a physician or surgeon, unless the jury is divided in opinion upon the case submitted to them; and in no case shall such surgeon or physician compose part of any jury in such cases, and report by bill or otherwise.

On motion by Mr. Steele,

*Resolved*, That the Judiciary committee be instructed to report a bill to this House allowing magistrates twenty-five cents for writing an affidavit, instead of ten cents, as allowed by the present law on that subject.

On motion by Mr. Dyer,

*Resolved*, That the committee on Benevolent and Scientific Institutions, inquire whether it would not advance the interest and promote the future welfare of the institution of the Insane Asylum, by increasing the library both of the male and female departments of said institution, and report by bill or otherwise.

On motion by Mr. Bridges,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of establishing some uniform rule of practice relative to the admission of attorneys at law, and particularly of requiring a jury to be empaneled to try and determine whether the person applying for admission is a man of good moral character, and report by bill or otherwise.

Mr. Read moved to reconsider the vote on concurring in the report of the committee on the Judiciary, by which Senate bill No. 18 was indefinitely postponed.

Which was agreed to.

The question then recurring on concurring in the report,

It was disagreed to.

When,

On motion by Mr. Hamrick,

The bill was referred to a select committee of one from each congressional district, consisting of Messrs. Hamrick, 7th; Lowe, 1st; Read, 2d; Lewis, 3d; Simpson, 4th; Bundy, 5th; Hicks, 6th; Jones of Boone, 8th; Service, 9th; Jennings, 10th; and Howell, 11th.

#### BILLS INTRODUCED.

Mr. Manville obtained leave and introduced

No. 85. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Which was read a first time and passed to a second reading.

Mr. Seawright obtained leave and introduced

No. 86. A bill to extend further time for the completion of the several plank and McAdamised road companies in this State;

Which was read a first time and passed to a second reading.

Mr. Maxfield obtained leave and introduced

No. 87. A bill for the compensation of the State Printer.

Which was read a first time and passed to a second reading.

Mr. Wilson obtained leave and introduced

No. 88. A bill prescribing the mode by which persons shall entitle themselves to the benefits of the exemption, shall be deemed waived, and the mode by which the valuation or appraisement laws may be waived.

Which was read a first time and passed to a second reading.

On motion by Mr. Hamrick,

Senate bill No. 8, a bill to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest, was taken up.

On motion by Mr. Dodd,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names:

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Handy, Hammond, Hamrick, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, Mckee, McKinney, Milroy, Moss, Orr, Parker, Price, Peckenpaugh, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—87.

On motion by Mr. Hamrick,

The further call was suspended.

Mr. McDonald of Lake moved to lay the bill on the table.

Pending which,

On motion by Mr. Struble,

The House adjourned.

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2 o'clock, P. M.

House met.

The question recurring on the motion of Mr. McDonald of Lake to lay Senate bill No. 8, on the table.

It was agreed to.

#### HOUSE BILLS ON SECOND READING.

No. 80. A bill to provide for the payment of agents employed to transmit fugitives, detained under the provisions of the act of Congress, approved February 12th, 1793.

Was read a second time; when,

On motion by Mr. Farnsley,

The bill was referred to the committee on Ways and Means.

No. 81. A bill to provide for the exemption from taxation the property of widows and children in certain cases.

Was read a second time.

Mr. McDonold of Lake moved to refer the bill to the committee on Ways and Means.

Mr. Stockwell moved to refer the bill to the committee on the Judiciary.

Which was disagreed to,

And the question recurring on Mr. McDonald's motion,

It was agreed to.

No. 82. A bill to regulate the permission of foreign insurance companies to establish agencies in this State.

Was read a second time; when

On motion by Mr. Hendricks,

The bill was referred to the committee on Ways and Means.

#### SENATE BILLS ON SECOND READING.

No. 37. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.

Was read a second time, when,

On motion by Mr. Orr,

The bill was referred to the committee on Corporations,

No. 32. A bill to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20th, 1852.

Was read a second time; when,

On motion by Mr. Burnett,

The bill was referred to the committee on Ways and Means.

No. 35. A bill to provide for the punishment of persons guilty of counseling and advising, aiding and abetting, in this State, in the perpetration, or attempt to perpetrate a felony in another State.

Was read a second time; when,

On motion by Mr. Seawright,

The bill was referred to the committee on the Judiciary.

No. 30. A bill authorizing guardians, executors, and administrators to lay off the real estate of their wards and decedents into town lots, and to dedicate streets, alleys, and squares to public use, when so ordered by the proper court.

Was read a second time, when,

On motion by Mr. Henry,

The bill was referred to the committee on the Judiciary.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

No. 6. A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario and Lake Erie.

Was read a second time, when,

On motion by Mr. Orr,

The bill was referred to the committee on Federal Relations.



## HOUSE BILLS ON THIRD READING.

No. 22. A bill to repeal section six of an act entitled, "an act defining felonies and prescribing punishment therefor," approved June 10, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Lasselle, Lewis, Lines, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Read, Rockafellar, Scott, Seawright, Service, Shoemaker, Simpson, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Underwood, Walker of Rush, Wilson and Yount—69.

*Those who voted in the negative were,*

Messrs. Ballard, Catlin, Dunlavey, Fleming, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lowe, Peckenpaugh, Price, Richardson, Ryan, Shelby, Shuman, Stackhouse, Taber, Work and Mr. Speaker—21.

So the bill passed.

On motion by Mr. Turpie,

The title of the bill was amended by striking out "a bill" and inserting in lieu thereof, "an act."

Ordered that the Clerk inform the Senate thereof.

No. 28. A bill to repeal an act entitled, "an act for the relief of certain bond owners within the corporate limits of the city of Rising Sun in Ohio county," approved January 5, 1849.

Was read a third time.

And the question being, shall the bill pass?

Mr. Pratt asked to be excused from voting; which was granted.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Don-

elson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Hicks, Handy, Harris, Hooper, Howell, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Henry, Stackhouse, and Tanner—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 42. A bill to amend an act entitled, "an act to establish and regulate ferries."

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Underwood, Walker of Rush, Wilson, Work and Yount—81.

*Those who voted in the negative were,*

Messrs. Ballard, Emery, Hammond, Henry, Lasselle, Lemmon, Ryan, Shelby, Shuman, Taber and Mr. Speaker—11.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 46. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Dyer, Durham, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Howell, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steelé, Stephens, Stockwell, Struble, Sutton, Tanner, Underwood, Walker of Laporte, Walker of Rush, Wilson and Yount—79.

*Those who voted in the negative were,*

Messrs. Ballard, Emery, Ferris, Harris, Hooper, Jennings, Jones of Boone, Laird, Ryan, Shelby, Taber, Turpie, Work and Mr. Speaker—14.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 47. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving subscription and donation for the erection of the public buildings;

Was read a third time,

And the the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stack-

house, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—89.

No person voting in the negative.

Mr. Turpie refusing to vote.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 72. A bill providing for the compensation of township assessors;

Was read a third time.

Mr. Johnson moved to commit the bill to the committee on Ways and Means, with instructions to strike out "\$1 50," and insert in lieu thereof "\$2 00."

Which was disagreed to.

Mr. Druley moved to lay the bill on the table;

Which was not agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Buell, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Gootee, Graham, Greene, Hammond, Handy, Harris, Hendricks, Henry, Hicks, Howell, Jennings, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Peckenpugh, Pratt, Price, Read, Richardson, Rockafellar, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—76.

*Those who voted in the negative were,*

Messrs. Bundy, Burnett, Donelson, Dyer, Goodman, Hamrick, Hooper, Johnson, Jones of Jennings, McKinney, Scott, Steele, and Sutton—13.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTIONS ON THIRD READING.

No. 19. A joint resolution asking an appropriation for the improvement of the Michigan City Harbor;

Was read a third time.

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—83.

*Those who voted in the negative were,*

Messrs. Ferguson, Jones of Jennings, Moss, Sutton, and Tanner—5.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

No. 20. A joint resolution asking an appropriation to construct a canal around the falls of the Ohio river, on the Indiana side of said river;

Was read a third time.

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—86.

*Those who voted in the negative were,*

Messrs. Brecount, Ferguson, and Tanner—3.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Buell, chairman of the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred bill of the House No. 50, amending section first of an act entitled an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain," so as to require resident merchants to pay a license of not less than five, nor more than twenty dollars, in proportion to the capital invested, as provided for travelling merchants, have had the same under consideration and have directed me to report the said bill back, and recommend that it be laid upon the table.

Which was concurred in, and the bill laid on the table.

By unanimous consent,

Mr. Dodd obtained leave and introduced

No. 89. A bill to prohibit the city council of Rising Sun from subscribing stock in any company to construct roads leading to or from said city, except on the conditions contained in this act.

Which was read a first time and passed to a second reading.

Mr. Work moved to reconsider the vote on House bill

No. 70. A bill to fix the salary of the judges of the supreme court;

Which was not agreed to.

By unanimous consent,

Mr. Johnson, from the committee on agriculture, obtained leave and made the following report:

**MR. SPEAKER:**

The committee on agriculture, to whom was referred resolution of the House No. 25, on the subject of killing deer between the first of March and first of October, have had the same under consideration, and in the opinion of the committee it is not a matter properly belonging to said committee. They have directed me to report the resolution back and recommend that it be referred to the committee on military affairs, and ask to be discharged from the further consideration of the subject.

Mr. Steele moved to lay the report and accompanying resolution on the table.

Which motion did not prevail.

On motion by Mr. Moss,

The resolution was referred to the committee on the rights and privileges of the inhabitants of the State.

By unanimous consent,

Mr. Hicks obtained leave, and offered the following resolution:

*Resolved*, That one thousand copies of Mr. Bolton's lecture on the early history of Indianapolis be printed for the use of this house.

Which was not adopted.

By unanimous consent,

On motion by Mr. Seawright,

*Resolved*, That the principal clerk of the House be requested to confer with the person or persons doing the public printing and learn how many of the several documents ordered to be printed by this house have been furnished, and how many are yet to be furnished and also how soon the balance will be furnished, if any, and report to this house at as early a day as practicable.

By unanimous consent,

Mr. Gootee obtained leave and offered the following resolution:

*Resolved*, That the special committee to whom was referred the bill to repeal the free banking law be instructed to report the same back without amendment.

Which was not agreed to.

By unanimous consent,

Mr. Clark obtained leave and introduced

No. 21. A Joint resolution instructing our senators and requesting our representatives in congress to procure the site for a national armory at Indianapolis.

Which was read a first time and passed to a second reading.

Mr. Chapin, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have examined enrolled joint resolution No. 17 with the engrossed copy thereof and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Fleming chairman of the committee on Engrossed Bills made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the house Nos. 22, 28, 42, 46, 47, and 72, also, joint resolutions Nos. 19 and 20, and find them correctly engrossed.

On motion by Mr. Turpie,

The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 2d, 1853. }

House met pursuant to adjournment.

On motion by Mr. Underwood,  
The reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER :**

The committee on the Judiciary, who were instructed to inquire into the expediency of so amending the 45th chapter of the Revised Statutes of 1852, as to make gaming punishable by indictment of a grand jury of the county, have considered the subject, and instruct me to report that the object of that chapter is to provide for the recovery in a civil action, of money or property lost in gaming.

Besides this, there is a provision in the "act defining misdemeanors and prescribing punishment therefor," sec. 28, Revised Statutes of 1852, page 435, which provides for the punishment of gaming, as a misdemeanor, by fine not exceeding \$50.

As the cognizance of grand juries is now limited by law to cases of felony, your committee can see no special reason for giving them jurisdiction over this particular species of misdemeanor.

They are therefore of the opinion that further legislation on the subject is unnecessary and inexpedient, and ask to be discharged from further consideration of the resolution.

Which was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER :**

The committee on the Judiciary, to whom was referred a resolution in respect to authorising the county commissioners for their respective counties, "to cause a certified copy of the field notes to be made out for the use of county surveyors," have had the same under consideration, and have directed me to report the resolution back to the House, and recommend its reference to the committee on county and township business.

Which was concurred in, and the resolution referred as suggested.

Mr. Ryan, from the committee on Public Expenditures, made the following report:



**MR. SPEAKER:**

The committee on Public Expenditures, to whom was referred resolution No. 22, asking for a bill to raise the wages of township trustees from seventy-five cents to one dollar per day, while actually engaged in their services as such, have had the same under consideration, and directed me to report

No. 90. A bill to amend the nineteenth section of an act for the more uniform mode of doing township business, approved May 6th, 1852;

Which was read a first time and passed to a second reading.

**RESOLUTIONS.**

On motion by Mr. Stockwell,

*Resolved*, That the committee on Manufactures and Commerce be directed to inquire whether the bridges now erected across the Wabash river obstruct the navigation thereof, and report by bill or otherwise.

On motion by Mr. Struble,

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of this State be required to inquire into the expediency of passing a law to protect laborers and other contractors on public works, and report by bill or otherwise.

On motion by Mr. Orr,

*Resolved*, That the committee on County and Township Business inquire, what county and township officer should, in their opinion, be entitled to a copy of the Revised Statutes of 1852, and the laws enacted by the General Assembly, and make a report thereof to this House.

On motion by Mr. Dodd,

*Resolved*, That the Judiciary committee inquire, whether some further legislation is not necessary to settle the manner in which appeals from the common pleas to the circuit court shall be tried, whether sections 13 and 20 of the act to establish courts of common pleas require the circuit court to try the cases anew, or only upon the evidence in the record, and report by bill or otherwise.

On motion by Mr. Dodd,

*Resolved*, That the Judiciary committee inquire, whether there is not a conflict between section 1, of chapter 20, and section 3, of chapter 115, of the Revised Statutes of 1852, in regard to filling vacancies in the board of county commissioners, and to report by bill or otherwise.

Mr. Handy offered the following resolution:

*Resolved*, That the committee on Roads be instructed to inquire into the propriety of striking out from the road law sections 20, 21, 22 and 23 of an act entitled an act, providing for the election or appointment of supervisors of highways, and prescribing certain of

their duties, and those of county and township officers in relation thereto, approved — 1852, and report an amendment, providing for a tax on real estate of one-fourth of a cent for each and every acre of land in the State for road purposes, and give the supervisor the power to increase the tax on land for the benefit of the roads in his district, to an amount not exceeding two cents per acre, as in his judgment the roads may require.

Which was not adopted.

Mr. Simpson offered the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of the State of Indiana furnishing each justice of the peace in this State, with the following law books, to-wit: Greenleaf on Evidence, Blackford's Reports, and Carter's Indiana Reports, to report by bill or otherwise.

Which was not adopted.

On motion by Mr. Jones of Jennings,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of amending section 32, chapter 6 of the Revised Statutes, so as to compel railroads, plank roads, turnpike roads, telegraph lines and bridge companies, to pay their taxes in the several county treasuries in which such work is constructed, and report by bill or otherwise.

#### ORDERS OF THE DAY.

#### *House bills on second reading.*

No. 83. A bill to amend an act entitled an act for the support and management of the Indiana Institute for the education of the blind, approved June 18th, 1852; also, amendatory to an act entitled an act to provide for the government and support of the institution for the education of the deaf and dumb, approved June 14th, 1852;

Was read a second time, when,

On motion by Mr. Bundy,

The bill was referred to the committee on Benevolent and Scientific Institutions.

No. 84. A bill to prevent the gathering of cranberries on the public lands in the State of Indiana before they are ripe.

Was read a second time.

Mr. Dodd moved to refer the bill to the committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Seawright moved to amend by referring the bill to the committee on agriculture.

Which was not agreed to.

The question then recurring on Mr. Dodd's motion,

It was agreed to.

No. 85. A bill to amend an act entitled "an act to revise, sim-

plify, and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,"

Was read a second time; when,

On motion by Mr. Lines,

The bill was referred to the committee on the Judiciary.

No. 86. A bill to extend further time for the completion of the several plank, gravel, McAdamized road companies in this State.

Was read a second time; when,

On motion by Mr. Seawright,

The bill was referred to the committee on corporations.

No. 87. A bill to fix the compensation of the State Printer.

Was read a second time; when,

On motion by Mr. Maxfield,

The bill was referred to a select committee consisting of Messrs. Maxfield, Durham and Chapin.

No. 88. A bill prescribing the mode by which persons shall entitle themselves to the benefits of the exemption laws, and the causes by which such exemption shall be deemed waived, and the mode by which the valuation or appraisement laws may be waived.

Was read a second time; when,

On motion by Mr. Ballard,

The bill was referred to the committee on the Judiciary.

No. 89. A bill to prohibit the city council of Rising Sun from subscribing stock in any road leading to or from said city, except on the conditions contained in this act.

Was read a second time; when,

On motion by Mr. Dodd,

The bill was referred to a select committee consisting of Messrs. Dodd, Hendricks and Farnsley.

#### HOUSE JOINT RESOLUTION ON SECOND READING.

No. 21. A joint resolution instructing our Senators, and requesting our Representatives in Congress to procure the site for a National Armory at Indianapolis.

Was read a second time; when,

On motion by Mr. Lines,

The joint resolution was referred to the committee on Federal Relations.

#### HOUSE BILLS ON THIRD READING.

No. 51. A bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Durham, Dyer, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Henry, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Peckenpough, Price, Read Richardson, Rockafellar, Scott, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens Stockwell, Struble, Sutton, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Yount—75.

*Those who voted in the negative were,*

Messrs. Dunlavey, Emery, Farnsley, Graham, Hendricks, Hicks, Hooper, Lasselle, Lemmon, Lewis, Milroy, Ryan, Seawright, Shelby, Taber, Work and Mr. Speaker—17.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 59. A bill to punish and prevent frauds in the use of false stamps and labels.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—87.

*Those who voted in the negative were,*

Messrs. Emery, McClure, Ryan, Scott, Taber, and Mr. Speaker  
—6.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills thereof :

Bill No. 31. A bill to repeal section 36 and 37 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

No. 39. A bill giving circuit courts jurisdiction in all cases of misdemeanors pending before them the Revised Code of 1852 shall take effect.

In which the concurrence of the House is respectfully requested.

Bills No. 31 and 39, contained in the foregoing message, were read a first time and passed to a second reading.

By unanimous consent,

Mr. McDonald of Lake obtained leave and offered the following resolution :

*Resolved*, That the select committee on Banks be instructed, to provide for the separation of the duties of the Bank department from the office of the Auditor of State.

Mr. Turpie moved to lay the resolution on the table.

Which was not agreed to.

Mr. Donelson moved to lay the resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Donelson and Turpie.

*Those who voted in the affirmative were,*

Messrs. Ballard, Burnett, Catlin, Donelson, Druley, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Harris, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, McKinney, Milroy, Orr, Parker, Peckenpaugh, Read, Richardson, Ryan, Stackhouse, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, and Wilson—43.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Dyer, Dunnlavey, Durham, Emery, Ferris, Gootee, Graham, Greene, Hammond, Hamrick, Hendricks, Henry, Jennings, Lasselle, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Pratt, Price, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stephens, Walker of Laporte, Walker of Rush, Work, Yount, and Mr. Speaker—49.

So the resolution was not laid on the table.

Mr. Read moved to amend the resolution by striking out from the enacting clause, and inserting "That the committee on the Judiciary be instructed to inquire whether it would be constitutional to take the banking department from the Auditor of State."

On motion by Mr. McDonald of Lake,

The amendment was laid on the table.

Mr. Stockwell moved to amend the resolution by striking out all after the word "instructed," and inserting in lieu thereof "to report a bill providing for a board of bank commissioners."

On motion by Mr. McDonald of Lake,

The amendment was laid on the table.

On motion by Mr. Ballard,

Leave of absence was granted to Mr. Ryan.

On motion by Mr. Gootee,

Leave of absence was granted to Mr. Hartley.

Mr. Manville moved that the House adjourn;

Which motion did not prevail.

Mr. Jones of Ripley moved to lay the resolution on the table;

Which was disagreed to.

Mr. Struble called for the previous question;

Which was seconded by the House.

The question then being, shall the main question be now put?

It was decided in the affirmative.

Mr. Turpie moved that the House adjourn;

Which motion did not prevail.

The question then being on the adoption of the resolution;

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Taber.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Buell, Bundy, Burnett, Chapin, Cooper, Dodd, Donald, Dunlavey, Fleming, Henry, Jennings, Maxfield, McCormick, McDonald of Lake, Moss, Pratt, Price, Rockafellar, Service, Shelby, Shuman, Walker of Laporte, Work, and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Bridges, Brown, Clark, Donelson, Druley, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Read, Richardson, Ryan, Scott, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Rush, Wilson, and Yount—65.

So the resolution was not adopted.

By unanimous consent,

Mr. Cooper, from a select committee, obtained leave and made the the following report:

**MR. SPEAKER:**

The committee to whom was referred a resolution to inquire into the expediency of reducing the present State tax of twenty cents on the one hundred dollars valuation of taxable property, by a unanimous vote directed me to report

No 91. A bill to raise revenue for State purposes for the years 1853 and 1854.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Cooper from a select committee obtained leave and made the following report:

**MR. SPEAKER:**

The committee to whom was referred a resolution to inquire into the expediency of appropriating five or ten cents tax annually on the one hundred dollars taxable property of the State, to be applied to the extinguishment of the State debt, by a unanimous vote of said committee directed me to report

No. 92. A bill to amend an act entitled an act in relation to applying certain funds therein named to the payment of the public debt, approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Work obtained leave and offered the following resolution:

*Resolved*, That when this house adjourn, it shall adjourn until the usual hour to-morrow morning.

Which was not agreed to.

A message from the Senate by Mr. Sites their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the house:

No. 43. A bill to fix the time of holding circuit courts in the ninth judicial circuit and the length of the terms.

Without amendment.

The Speaker laid before the house the following communication, from the Treasurer of State, in answer to a resolution of the house:

OFFICE OF TREASURER OF STATE, }  
INDIANAPOLIS, Feb. 2, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—In compliance with the following resolution of the House, to-wit:

*Resolved*, That the Treasurer of State be instructed to furnish this house for the use of the committee on Swamp Lands the amount of swamp lands donated to the State situated in each county.

I have the honor to submit the following report:

	<i>Acres.</i>	<i>Hund'ths.</i>
In the county of Adams.....	1,930	40
In the county of Allen.....	13,809	54
In the county of Bartholomew.....	1,615	00
In the county of Blackford.....	1,155	00
In the county of Boone.....	4,670	00
In the county of Brown.....	2,040	00
In the county of Cass.....	6,134	00
In the county of Clay.....	7,360	00
In the county of Clinton.....	1,648	00
In the county of Crawford.....	200	00
In the county of Daviess.....	25,117	00
In the county of Decatur.....	707	86
In the county of DeKalb.....	6,796	11
In the county of Dubois.....	5,895	76
In the county of Franklin.....	320	00
In the county of Fulton.....	25,700	00
In the county of Gibson.....	46,697	00
In the county of Greene.....	23,487	88
In the county of Howard.....	5,547	26
In the county of Huntington.....	715	10
In the county of Jackson.....	23,264	09
In the county of Jay.....	2,158	09
In the county of Jennings.....	757	36
In the county of Johnson.....	160	00
In the county of Knox.....	28,710	15
In the county of Kosciusko.....	30,223	00
In the county of Lagrange.....	7,949	00
In the county of Lake.....	111,400	15
In the county of Laporte.....	83,732	00
In the county of Lawrence.....	839	00
In the county of Madison.....	5,947	00
In the county of Marshall.....	45,220	00
In the county of Martin.....	5,082	00
In the county of Miami.....	336	00
In the county of Monroe.....	3,400	00
In the county of Montgomery.....	160	00
In the county of Morgan.....	1,756	00
In the county of Noble.....	7,840	00
In the county of Orange.....	600	00



	<i>Acres.</i>	<i>Hand'ths.</i>
In the county of Owen.....	108	50
In the county of Parko.....	1,914	00
In the county of Perry.....	298	00
In the county of Pike.....	16,092	00
In the county of Porter.....	55,305	00
In the county of Posey.....	7,175	00
In the county of Pulaski.....	122,349	00
In the county of Ripley.....	1,520	00
In the county of Spencer.....	9,240	00
In the county of Sullivan.....	10,405	00
In the county of Starke.....	90,462	00
In the county of Steuben.....	8,144	47
In the county of St. Joseph.....	49,669	00
In the county of Tippecanoe.....	120	00
In the county of Vigo.....	4,232	00
In the county of Warrick.....	8,192	00
In the county of Wells.....	2,435	00
In the county of White.....	64,320	00
In the county of Whitley.....	4,025	36

The above amounts are taken from the best data in my possession, but some counties that have swamp lands are omitted, they having been reported to the registers of the land offices, and to the officers of State. The report of these lands by the registers was made to the officers of State by districts and not by counties.

I have the honor to be,

Your obedient servant,

J. P. DRAKE,  
*Treasurer of State.*

Which,

On motion by Mr. Struble,

Was laid on the table and 150 copies ordered to be printed for the use of the House.

Mr. Hicks, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have compared the accompanying enrolled bill, No. 43, with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Hooper,

The House adjourned.

2 o'clock, P. M.

House met.

The speaker laid before the House the following communication from his excellency the governor, respecting a certain claim therein contained :

EXECUTIVE DEPARTMENT, }  
February 2d, 1853.

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—You will please lay before the House of Representatives the enclosed communication on the subject of the agency and claim of the Hon. Alexander Vattemere :

Respectfully yours,  
JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, }  
February 2, 1853.

*Gentlemen of the House of Representatives :*

I herewith communicate the papers on the subject of the claim and agency of the Hon. Alexander Vattemere. This subject was laid before the General Assembly at the last session, and no action was had thereon. The enclosed papers will place you in possession of the claim of Mr. Vattemere. The construction given by the officers of State to the act authorizing the agency, is that the State was to pay the expenses connected therewith, not exceeding the sum mentioned in the act. No bill of items being furnished, until lately, no payments have been made since the payment by Gov. Whitcomb in January, 1850. The whole subject is respectfully submitted to the General Assembly, not only as to the amount due Mr. Vattemere, but also the question of continuing or abolishing the agency.

Yours very respectfully,  
JOSEPH A. WRIGHT.

Which,

On motion by Mr. Hicks,

Was referred to the committee on claims.

The Speaker laid before the House the following communication from the Superintendent of the Institution for the education of the Deaf and Dumb :

*To the Speaker of the House of Representatives :*

SIR:—Please give notice to the members of the House, that in accordance with the resolution adopted Jan. 17th, I shall give an exhibition of the pupils under my charge to-morrow, Thursday night,

at the Masonic Hall, for the information of the General Assembly. In order to secure seats for the members, tickets will be given. The members of the House will be furnished through their doorkeeper.

Most respectfully yours, &c.,

THOMAS MACINTIRE, *Superintendent.*

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following joint resolution thereof

No. 4. A joint resolution in regard to the right of way.

In which the concurrence of the House is respectfully requested.

Joint resolution No. 4, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House.

No. 35. A bill to provide for annual reports of State officers, branches of the State bank and benevolent institutions to be made to the Governor;

With the following engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Seawright obtained leave and presented a petition from 61 citizens of Clinton county on the subject of gaming.

Which was referred to the committee on the Judiciary.

By unanimous consent,

Mr. Brothwell obtained leave and presented a petition from sundry citizens of the State of Indiana on the subject of temperance,

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. Read, from the Judiciary committee, obtained leave and made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred House bill No. 62, entitled an act to enable illegitimate children to inherit in certain cases, and to authorize the court of common pleas to make certain orders, have considered the same, and a majority of the committee have directed me to report it back with the following amendments, and when so amended, to recommend its passage.

1st. Strike out the following words in the title of the bill, "and to authorize the court of common pleas to make certain orders."

2d. Strike out all after the enacting clause and insert as follows: that the real and personal estate of any man dying intestate, without heirs resident in any of the United States at the time of his death, or legitimate children capable of inheriting without the United States, shall descend to and be vested in his illegitimate child or children, who are residents of this State or any of the United States, and such illegitimate child or children shall be deemed and taken to be the heir or heirs of such intestate in the same manner, and entitled to take by descent or distribution, to the same effect and extent as if such child or children had been legitimate. Provided, that the intestate shall have acknowledged such child or children as his own during his lifetime: And, provided further, that the testimony of the mother of such child or children, shall in no case be sufficient to establish the fact of such acknowledgment.

The amendments were concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Seawright obtained leave and offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending chapter 10, section 105, of the second volume of the Revised Statutes of 1852, so that if there be no claims against estate, the court may order the money to be paid to guardian or legal representative. Also amend section 169, of same law, so that complete record shall only be made of final settlement sheet, except in case of real estate.

Which was agreed to.

By unanimous consent,

Mr. Turpie from the committee on the Judiciary obtained leave and made the following report:

MR. SPEAKER:

The committee upon the Judiciary to whom was referred resolution No. 23, of this House, instructing them to inquire into the expediency of making the State of Indiana responsible for her costs in all cases, in the same manner as individuals, have had the same under consideration, and have instructed me to report that in the

opinion of the committee, it would be inexpedient to legislate further upon the subject. The Revised Code of last winter has provided that the president judge, may in the case of witnesses on behalf of the State, (who are the most meritorious cases which would arise under the resolution,) when the same are old or infirm, certify to their services, and exact the payment of the same from the county treasurer, and your committee have reported during the present session, an amendment to said provision of the code, allowing to all poor persons the same privileges. These two enactments in the opinion of your committee, will remedy some of the evils of the old system complained of most severely. Any further extension of liability on the part of the State, it is thought would only open a door for useless expenditure and frauds upon the treasury already sufficiently burdened.

Which was concurred in.

By unanimous consent,

Mr. Dodd obtained leave and introduced,

No. 93. A bill to amend an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Which was read a first time and passed to a second reading.

Mr. Fleming, chairman of the committee on Engrossed Bills made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bill of the House No. 59, and find the same correctly engrossed.

On motion by Mr. McDonald of Lake,  
The House adjourned.

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THURSDAY MORNING, 9 o' clock. }  
February 3, 1853. }

The House met pursuant to adjournment.

Mr. Struble moved a call of the House.

Which was ordered.

The Clerk proceeded to the call when the following members answered to their names, viz:

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Graham, Greene, Hamrick, Handy, Harris, Henry, Hicks, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Steele, Stockwell, Struble, Tanner, Thomas, Turpie, Walker of

Rush, Wilson, and Mr. Speaker—70.

When,

On motion of Mr. Ferris,

A further call of the House was suspended.

The journal of yesterday was partly read,

When,

On motion by Mr. Gentry,

The further reading was dispensed with.

#### PETITIONS, MEMORIALS, &c., PRESENTED.

By Mr. Laird ;

A petition from Henry Gray, agent of the manufacturing company at Troy, Perry county, Ind., asking an amendment to the charter of said company.

Which was referred to the committee on Corporations.

By Mr. Walker of Laporte:

A petition, containing an address and resolutions from a society of Laporte county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Martin:

A memorial from sundry citizens of the State of Indiana on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. McKee:

A petition from sundry citizens of the State of Indiana on the subject of temperance.

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Scott, from the committee on the Judiciary, made the following report :

**MR. SPEAKER:**

The committee to whom resolution No. 20 was referred, instructing said committee to inquire into the expediency of changing some of the sections of the act providing for courts of conciliation, have had the subject of said resolution under advisement, and have directed me to report that they deem it inexpedient to change the said act in the manner mentioned in said resolution. That said act providing for said court is a new feature in the legislation of this State, and its effects cannot be well known until tried by experience. Said committee are averse to changing acts of this class, unless some defect is apparent upon the face of the same, or some special benefit can be seen for such alteration. The committee in this case have been unable to discover the particular defect in this law, or benefit in the proposed change. They would therefore recommend that until such matters are shown, no further legislation be had upon the subject of said resolution.

Which was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a resolution of the House, directing them to inquire into the expediency of extending the term of the office of constable from one to two years, have had the same under consideration, and have directed me to report that they are of opinion no necessity exists for changing the present law on that subject. The committee ask, therefore, to be discharged from the further consideration of the resolution.

Which was concurred in.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred resolution No. 3, instructing them to inquire into the expediency of reporting a bill requiring county auditors who fail or neglect to make their report of congressional township and surplus revenue funds, &c., have instructed me to report the same back and recommend the reference of the same to the committee on Education, to which committee it properly belongs. The committee ask to be discharged, &c.

Which was concurred in, and the resolution so referred.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom resolution No. 20 was referred, upon the subject of changing county commissioners' fees from three dollars per day to two dollars per day, after due consideration, have directed me to report that they deem such a change inexpedient. That although three dollars a day is a much larger sum than persons can obtain by ordinary labor, yet the committee are of opinion that the price paid for the performance of public duties, has much to do with the kind of persons, qualifications, &c., of the persons who seek such employment; and that few men perform public duties for the mere honor which attaches to such employment. The committee believe that while sufficient salaries will always command the services of competent persons, that a penurious course of policy upon that subject, will, in most cases, exclude the best qualified persons from public business, and the people loose more by bad management, ten fold, than they gain by the trifling deduction of the per diem allowance to a responsible officer. Good wages command good services in the ordinary avocations of life; the same truth applies to public business. The committee do not conceive that the commissioners of our counties are too well qualified for their business, or that a saving would be made to the counties by a reduction of their pay. The committee are therefore unable to see what benefit could be derived from the change asked for in said resolution, and ask that they may be discharged from the further consideration of the same.

Which was concurred in.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred resolution No. 27, instructing them to inquire into the expediency of repealing section 103 of an act concerning the mode of proceeding in criminal cases, and to report by bill or otherwise, have had the same under consideration, and a majority of the committee have directed me to report that, in their opinion, the provisions contained in said section are wise and humane, and that it would be inexpedient to legislate at this time on the subject.

Which was concurred in.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom Senate bill No. 19 was referred, upon the subject of telegraph companies, have had the same under consid-



eration, and have directed me to report sections 1st, 2d, 3d, and 5th back to this House, without amendment, and that section 4 should be stricken from the bill, and said committee, with this amendment, recommend the passage of said bill. Section 4 provides that all irregularities or defects in the organization of such companies shall be legalized. The committee, without pretending to express any opinion as to the effect of such a provision upon the rights of the people of this State, and being ignorant as to what acts the friends of the measure wish to legalise, have thought it improper that the House should seemingly interpose its power to interrupt the operation of a just law, or cover with the mantle of its charity the unknown and illegal operations of this class of corporations.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions have visited the Institution for the Education of the Deaf and Dumb, and beg leave to submit the following report as the result of their examinations.

The Institution is in a highly prosperous condition, diffusing instruction, intelligence and happiness to one hundred and twenty-one of those unfortunate persons who have been deprived of the ordinary means of cultivating their intellectual faculties, although it was feared by many that the loss of the services of the former esteemed and successful superintendent, under whose control the Institution had risen to its present usefulness, would be detrimental to its progress, and that it would be difficult to supply his place. Such fears, we are happy to say, no longer exist, by the success and popularity of his successor, Mr. McIntire, who, during the short time he has been at the head of the Institution, has shown himself equal to any exigency, and well qualified to sustain the charge of the Institution in its present successful career. The evidences of order and neatness, the air of cleanliness and comfort which are seen and felt in every part of the buildings, are highly creditable to the ladies who preside over the domestic department. From the apparent proficiency of the pupils, from their readiness of comprehension, and the quickness of their answers; from their strict obedience to, and respect of their teachers, we apprehend that their instruction is committed into efficient and safe hands. The accounts of the Institution show an indebtedness of \$15,000, which was contracted previous to November, 1851, under the expectation of the continuance of the tax for the support of the Institution. There will be required for the current year for board and salaries, \$11,900, and for other contingent expenses, \$3,396, making in all, should the old debts be paid,

the sum of \$30,296. For the year of 1854, the current expenses are estimated at \$15,296, making a sum required in the two years of \$45,592, for which we would respectfully recommend an appropriation. The buildings, in their present unfinished condition, are suffering much from exposure to the weather, and the inmates are subjected to considerable inconvenience, which would not exist, were the buildings completed. The \$3,500 already appropriated for the erection of workshops not yet expended, with the addition of \$1,500, would be amply sufficient for this purpose, and the inconveniences arising from the delay of building the shops would be less than those that now arise from the unfinished state of the buildings; and unless the Legislature should make all the appropriation for building purposes asked for, which is about \$8,000.

The committee would respectfully recommend the passage of a bill directing the funds appropriated for the shops, to the finishing the buildings, and also an additional appropriation of \$1,500 for the same purpose.

When,

On motion by Mr. Hamrick,

The report was laid on the table.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions made the following report.

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions to whom was referred resolution No. 29 and 32, inquiring into the expediency of appropriating one hundred dollars for the benefit of a library for the use of the Insane, have had the same under consideration and beg leave to report

No. 94. A bill to provide for an addition to the library at the Hospital for the use of the Insane.

Which was read a first time and passed to a second reading.

Mr. Underwood chairman of the committee on Benevolent and Scientific Institutions made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred house bill no 83, have had the same under consideration and offer the following amendment:

Strike out the word commissioners where it occurs and insert in lieu thereof the word trustees, also strike out all after the 4th section of said bill, and when so amended recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Struble from the committee on county and township business made the following report:

**MR. SPEAKER:**

The bill amending the 20th and 21st sections of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1843, which was referred to the committee on County and Township Business, have directed me to report that in the opinion of the committee, the law on that subject was preferable to the bill, therefore recommend the indefinite postponement of said bill, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the bill indefinitely postponed.

Mr. Howell, chairman of the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township business, to whom was referred resolution No. 21 of the house, on the expediency of dividing the township into three districts for civil purposes, and report by bill or otherwise, have had that matter under consideration and directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Jones of Ripley from the committee on County and Township Business made the following report:

**MR. SPEAKER:**

The committee on County and Township Business, to whom was referred bill of the House No. 68, "a bill to amend an act concerning county commissioners," approved June 17, 1852, have had the same under consideration, and have directed me to report the same back to the House, and recommend that the bill be indefinitely postponed, and ask to be discharged from further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

Mr. Orr, from the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township Business, to whom was referred bill No. 77, to amend the first section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," have had the same under consideration, and directed me to report the same back to the House with

the recommendation that said bill be indefinitely postponed, and said committee ask to be discharged from further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

Mr. Dufour, from the committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee on County and Township Business to which was referred resolution of the House No. 23 directing them to inquire into the expediency of passing a law authorizing and empowering township clerks and trustees to administer all oaths required in doing township business, have had the same under consideration, and directed me to report

No. 95. A bill to authorize and empower township clerks, and township trustees, to administer all oaths, when required in doing township business."

Which was read a first time, and passed to a second reading.

Mr. Chapin chairman of the committee on banks made the following report:

MR. SPEAKER:

Your committee to whom was referred resolution of the House No. 24, instructing us to inquire into the expediency of enacting a law to prohibit any bonds, except of the State of Indiana, and of the United States to be taken in any case whatever, as security for banking privileges, have had the same under careful consideration, and are of the opinion that it would have the effect to exclude all bonds as security, except the State of Indiana, and as there are some other States equally as good, who pay interest on their bonds semi-annually, your committee think it unjust to exclude such, and inexpedient at this time to enact such a law, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Druley, from a select committee made the following report :

MR. SPEAKER:

Your committee, to whom was referred bill No. 67, in relation to the twelfth judicial circuit, have had the same under consideration, and are of the unanimous opinion that it is inexpedient, and recommend its indefinite postponement, and desire to be discharged from the further consideration of the subject.

When,

On motion by Mr. Howell,

The report was laid on the table.

Mr. Hamrick, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the Senate No. 18, entitled "A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, have had the same under consideration, and have directed me to report the same back to the House with two amendments, and upon the adoption of which they recommend its passage.

Amend section 1, by striking out the word "three" in the tenth line, and inserting the word "ten."

Amend section 3 by striking out the word "ten" in the seventh line, and insert the word "five."

The amendments were adopted.

Mr. Pratt moved to amend the bill by striking out so much as refers to a docket fee.

And the question being put,

The ayes and noes were demanded by Messrs. Pratt and Taber.

*Those who voted in the affirmative were,*

Messrs. Bridges, Buell, Burnett, Catlin, Chapin, Donald, Dufour, Dyer, Emery, Farnsley, Ferris, Graham, Greene, Handy, Hendricks, Hooper, Jennings, Laird, Lewis, Lines, Martin, Maxfield, McCormick, McDonald of Lake, McKee, Moss, Parker, Peckenpaugh, Pratt, Rockafellar, Scott, Service, Shelby, Spencer, Steele, Stephens, Stockwell, Sutton, Thomas, Underwood, Walker of Rush, Wilson, Work, and Yount—44.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brothwell, Bundy, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Ferguson, Fleming, Free-land, Gentry, Goodman, Gootee, Hammond, Hamrick, Harris, Henry, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McClure, McDonnall of Sullivan, Milroy, McKinney, Orr, Price, Read, Richardson, Seawright, Shoemaker, Simpson, Shuman, Stackhouse, Struble, Taber, Tanner, Turpie, Walker of Laporte, and Mr. Speaker—50.

So the amendment was not adopted.

Mr. Steele moved to recommit the bill with the following instructions :

"Where such accidents happen by the carelessness of the engineer or other officers."

Which was disagreed to.

Mr. Pratt moved to amend the bill by adding the following proviso:

*Provided, however,* in case such company shall appeal from the judgment of the justice, and the judgment shall not on the appeal be reduced ten dollars, the company shall pay the costs.

Which was not adopted.

Mr. Hendricks moved to amend by striking out all of the bill except that part relating to the service of process.

And the question being put,

The ayes and noes were demanded by Messrs. Jones of Jennings and Hamrick.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Burnett, Chapin, Dodd, Donald, Du-four, Farnsley, Ferris, Freeland, Graham, Harris, Hendricks, Henry, Hooper, Jennings, Lasselle, Lewis, Martin, Maxfield, McCormick, McDonald of Lake, McKee, Moss, Peckenpaugh, Rockafellar, Scott, Shelby, Shuman, Spencer, Steele, Stephens, Stockwell, Sutton, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—41.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brown, Buell, Bundy, Catlin, Clark, Donelson, Druley, Dunlavey, Durham, Emery, Ferguson, Fleming, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKinney, Milroy, Orr, Parker, Price, Read, Richardson, Seawright, Service, Shoemaker, Simpson, Stackhouse, Struble, Taber, Tanner, Turpie, and Mr. Speaker—52.

So the amendment was not adopted.

Mr. Moss moved to amend section first as follows:

*Provided,* that before any person shall have the right to bring suit under the provisions of this section, he shall first demand payment of one of the officers of such company, which demand shall be refused.

Mr. Hamrick called for the previous question;

Which call was seconded by the House.

The question then being, shall the main question be now put?

It was decided in the affirmative.

The question then being on the amendment offered by Mr. Moss to the first section of the bill,

And the question being put;

The ayes and noes were demanded by Messrs. Hamrick and Moss.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brothwell, Bundy, Burnett, Chapin, Emery, Farnsley, Ferris, Freeland, Graham, Hammond, Handy, Hendricks, Henry, Hooper, Jennings, Lasselle, Lewis, Lines, McCormick, McClure, McDonnall of Sullivan, McKee, Milroy, Moss, Peckenpaugh, Scott, Seawright, Service, Shelby, Shuman, Spencer, Steele, Stephens, Stockwell, Sutton, Tanner, Thomas, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brown, Buell, Catlin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Ferguson, Fleming, Gentry, Goodman, Gootee, Greene, Hamrick, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lowe, Manville, Martin, Maxfield, McDonald of Lake, McKinney, Orr, Parker, Price, Read, Richardson, Rockafellar, Shoemaker, Simpson, Stackhouse, Struble, Taber, Turpie, Underwood, and Walker of Rush—48.

So the amendment was not adopted.

The question then being on ordering the bill to a third reading,

The ayes and noes were demanded by Messrs. McDonald of Lake and Hamrick.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brown, Buell, Bundy, Catlin, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Ferguson, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Harris, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Manville, McClure, McKinney, Parker, Price, Read, Richardson, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Struble, Taber, Tanner, Turpie, Walker of Laporte, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Burnett, Chapin, Clark, Dufour, Ferris, Fleming, Freeland, Handy, Henry, Jennings, Lasselle, Lewis, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Peckenpaugh, Rockafellar, Scott, Service, Shelby, Spencer, Steele, Stephens, Stockwell, Sutton, Thomas, Underwood, Walker of Rush, Wilson, Work and Yount—39.

So the bill was ordered to a third reading.

Mr. Hicks, from the committee on Enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled bills have compared the accompanying bill (No. 35,) with engrossed bill of the House of the corresponding number, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Chapin, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills, have presented bills of the House No. 35 and 43, to his Excellency, the Governor, for his signature.

On motion by Mr. Chapin,  
The House adjourned.

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2 o'clock, P. M.

House met.

The Speaker laid before the House the following communication from the Principal Clerk of the House of Representatives, in answer to a resolution of the House:

HALL OF THE HOUSE, }  
February 3, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—In accordance with the resolution of the House, directing me to confer with the State Printer, and ascertain the number of documents ordered to be printed for the use of the House, furnished, and also the number remaining to be furnished, I have to submit the following statement from the State Printer.

Yours, &c.,

WM. R. BOWES,  
*Principal Clerk H. R.*



WM. R. BOWES, Esq.,

*Principal Clerk of the House of Representatives :*

SIR:—The following is the number of documents ordered to be printed by the House of Representatives, the number thereof furnished, and the number yet to be furnished, to-wit:

DOCUMENTS.	No. of copies ordered.	No. of copies furnished.	No. yet to be furnished.
Annual message of the Governor, in English.....	6,000	6,000	
Annual message of the Governor, in German.....	2,000	2,000	
Rules and Joint Rules of the House.....	200	200	
Annual Report of Deaf and Dumb Asylum.....	1,000	1,550	
Governor's Inaugural, in English.....	2,000	2,000	
Governor's Inaugural, in German.....	1,000	1,000	
Annual Report of Warden, &c., State Prison.....	1,000		1,000
Annual Report State Bank and Sinking Fund.....	1,000		1,000
Annual Report of the Auditor of State, in English.....	3,000	2,016	984
Annual Report of the Auditor of State, in German.....	2,000		2,000
Report of Superintendent of Public Instruction, English..	10,000	570	9,430
Report of Superintendent of Public Instruction, German..	2,000		2,000
Annual Report of Blind Institute.....	1,000	718	282
Mr. Hester's Report.....	200	200	
Report of Auditor of State, Free Banks.....	500	500	
Reports of Auditor, Governor and Agent of State, on the subject of the State Agency.....	200	200	
Report of President of State Board of Agriculture, showing the expense of said Board.....	200	200	
Annual Report of the Agent of State.....	200	200	
Annual Report of the Treasurer of State.....	500	500	
Annual Report of Wabash and Erie Canal Trustees.....	500	100	400

Of the outstanding documents, the report of the Superintendent of Public Instruction is much the heaviest job. The type is all up, and three-fifths of the press-work done. It will take until Saturday night to complete that part of the work; and afterwards the binders can furnish two thousand copies per day, until they are done. The remainder of the work now ordered, except the German edition of the Auditor's Report, will be furnished during the present and next week. The translation of the Auditor's Report into the German language, is under way, but it will be late in the session before the documents can be furnished.

Respectfully submitted:

ELLIS & SPANN,

*For the State Printer.*

Which,

On motion by Mr. Graham,  
Was laid on the table.

#### RESOLUTIONS.

Mr. Hicks offered the following resolution:

*Resolved*, That the committee on Banks be discharged from the further consideration of House bill No. —, entitled an act to repeal the general banking law.

And the question being put;

The ayes and noes were demanded by Messrs. Hicks and Able.

*Those who voted in the affirmative were,*

Messrs. Bridges, Bundy, Donald, Donelson, Dufour, Dunlavey, Farnsley, Ferris, Ferguson, Fleming, Greene, Handy, Harris, Hicks, Howell, Jones of Ripley, Lemmon, Lines, McKinney, Orr, Pockafellar, Struble, Stackhouse, Turpie, Underwood, Walker, and Mr. Speaker—27.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brothwell, Brown, Burnett, Catlin, Chapin, Clark, Dodd, Druley, Durham, Dyer, Emery, Gootee, Graham, Hammond, Hamrick, Henry, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lewis, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Peckenpaugh, Pratt, Price, Read, Richardson, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Taber, Thomas, Wilson, Work, and Yount—56.

So the resolution was not adopted.

By unanimous consent,

Mr. Hendricks, from a select committee, obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 89, in relation to prohibiting the city council of Rising Sun from subscribing stock, &c., except on the terms therein mentioned, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage. The committee are satisfied that the enactment of such law will be in accordance with the wishes of three-fourths or more of the citizens of said city.

The report was concurred in, and the bill ordered to be engrossed.

On motion of Mr. Seawright,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of enacting a law to enable creditors to attach debts and moneys in the hands of third persons for the payment of just claims.

On motion by Mr. Orr,

*Resolved*, That the committee on education be instructed to inquire into the expediency of passing a law to exempt from school tax, the property of all aged and infirm persons, who do not participate in

said funds, and whose real and personal property does not amount to \$100, and report to this House by bill or otherwise.

On motion by Mr. Dyer,

*Resolved*, That the committee on county and township business be instructed to inquire into the expediency of electing all township officers for the term of two years.

On motion by Mr. Farnsley,

*Resolved*, That the Governor of the State be required to report to this House at his earliest practicable convenience the condition of the three per cent. fund due the State of Indiana from the general government.

On motion by Mr. Hicks,

*Resolved*, That the committee on banks be instructed to report a bill on the subject of banking, on or before Monday next.

On motion by Mr. Maxfield,

*Resolved*, That the doorkeeper of this House be instructed to employ some person acquainted with the business, to examine all gas pipes in this House, and repair those that leak.

Mr. Walker of Laporte offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to report a bill to this House, so amending the assessment law, as to provide that the settlement of county auditors and treasurers shall be made on the third Monday in January, instead of the third Monday in March; and also, that the county treasurers shall make his annual returns to the Treasurer of State, on or before the second Monday in February, instead of the second Monday in April.

Mr. Buell moved to make the resolution one of inquiry,

Which was agreed to.

The question then recurring on the adoption of the resolution as amended.

It was agreed to.

On motion by Mr. McDonnall of Sullivan,

*Resolved*, That the committee on County and Township Business be instructed to inquire into the expediency of so amending section 12 of an act entitled an act for the more uniform mode of doing township business, approved May 6, 1852, that the township trustees shall not have power to change the place of holding elections without a vote of the citizens of the township in favor of such change.

## HOUSE JOINT RESOLUTIONS.

Mr. Burnett obtained leave and introduced

No. 22. A joint resolution in regard to the distribution of public documents,

Which was read a first time and passed to its second reading.

Mr. Hicks obtained leave and introduced

No. 23. A joint resolution in regard to the three per cent. fund due Indiana from the general government,

Which was read a first time and passed to a second reading.

## BILLS INTRODUCED.

Mr. Dodd obtained leave and introduced

No. 96. A bill to amend an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852,

Which was read a first time and passed to a second reading.

Mr. Scott obtained leave and introduced

No. 97. A bill amendatory of the second section of an act for the incorporation of cities, approved June 18th, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provision of the act herein mentioned of June 18th, 1852,

Which was read a first time and passed to a second reading.

Mr. McCormick obtained leave and introduced

No. 98. A bill to authorize the redemption of forfeited congressional school lands, by persons who were purchasers thereof, and their assignees, heirs and legal representatives,

Which was read a first time and passed to a second reading.

Mr. Dufour obtained leave and introduced

No. 99. A bill to amend an act for the relief of certain persons therein named, approved February 16, 1848,

Which was read a first time and passed to a second reading.

Mr. Laird obtained leave and introduced

No. 100. A bill to change the times of holding the terms of the common pleas court in the district composed of the counties of Perry, Spencer and Dubois,

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*House bills on second reading.*

No. 93. A bill to amend an act entitled an act prescribing who

may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof, approved May 31, 1852;

Was read a second time, when,

On motion by Mr. Ballard,

The bill was referred to the committee on the Judiciary.

No. 90. A bill to amend the nineteenth section of an act for the more uniform mode of doing township business, approved May 6th, 1852;

Was read a second time, when,

On motion by Mr. Spencer,

The bill was referred to the committee on County and Township Business.

No. 91. A bill to raise revenue for State purposes for the years 1853 and 1854;

Was read a second time, when,

On motion by Mr. Cooper,

The bill was referred to the committee on Ways and Means.

No. 92. A bill to amend an act entitled an act in relation to applying certain funds therein named to the payment of the public debt, approved June 18, 1852;

Was read a second time, when,

On motion by Mr. Hamrick,

The bill was referred to the committee on Ways and Means.

#### SENATE BILLS ON SECOND READING.

No. 31. A bill to repeal sections 36 and 37, of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14th, 1852.

Was read a second time.

When,

On motion by Mr. Graham,

The bill was referred to the committee on the Judiciary.

No. 39. A bill giving circuit courts jurisdiction in all cases of misdemeanor pending before them, when the revised code of 1852 shall take effect.

Was read a second time.

When,

On motion by Mr. Pratt,

The bill was referred to the Judiciary committee.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

No. 4. A joint resolution in regard to a right of way.

Was read a second time; when,

On motion by Mr. Thomas,

The joint resolution was referred to the committee on corporations.

#### HOUSE BILLS ON THIRD READING.

No. 62. A bill to enable illegitimate children to inherit in certain cases, and to authorize the court of common pleas to make certain orders.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockefeller, Scott, Service, Shelby, Shoemaker, Spencer, Simpson, Stackhouse, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Work and Yount—78.

*Those who voted in the negative were,*

Messrs. Brothwell, Donelson, Emery, Hammond, Henry, Lasselle, McDonald of Lake, Seawright, Shuman, and Turpie—10.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following resolution:

*Resolved*, That the Senate will, the House concurring therein, go into the election of State Agent on Monday next, at 2 o'clock, P. M.

In which the concurrence of the House is respectfully requested.

Mr. Hicks moved to concur in the resolution of the Senate contained in the foregoing message.

Mr. McDonald of Lake moved to lay the message on the table.  
And the question being put,  
The ayes and noes were demanded by Messrs. Manville and Orr.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Donald, Donelson, Dyer, Emery, Ferris, Ferguson, Freeland, Goodman, Graham, Greene, Hamrick, Harris, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Manville, Martin, Maxfield, McDonald of Lake, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Richardson, Scott, Service, Shelby, Shoemaker, Shuman, Spencer, Steele, Stockwell, Struble, Taber, Thomas, Turpie, Walker of Rush, and Yount—51.

*Those who voted in the negative were,*

Messrs. Able, Brothwell, Bundy, Catlin, Chapin, Clark, Cooper, Druley, Dufour, Dunlavey, Durham, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Hendricks, Henry, Hicks, Howell, Lasselle, Lemmon, Lewis, McCormick, McClure, McDonnall of Sullivan, McKee, Price, Read, Rockafellar, Seawright, Simpson, Stackhouse, Stephens, Sutton, Tanner, Underwood, Walker of Laporte, and Work—40.

So the message was laid on the table.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 33. A bill to amend section three of an act entitled an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Also,

No. 44. A bill directing how and when stocks belonging to a decedent's estate shall be sold and distributed.

Also,

No. 46. An act to amend the third section of an act entitled an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties, approved June 1, 1852.

Also,

No. 48. A bill to repeal certain acts therein named.

In which the concurrence of the House is respectfully requested.

Bills No. 33, 44, 46, and 48, contained in the foregoing message were read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bill thereof:

No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington City, and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana, with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, placed to the credit of the State upon the books of the General Government; and also, to provide for the his compensation therefor.

In which the concurrence of the House is respectfully requested.

Bill No. 42, contained in the foregoing message, was read a first time and passed to a second reading.

By unanimous consent,

Mr. Underwood obtained leave and offered the following resolution :

*Resolved*, That the committee of Ways and Means be requested to report to the House the result of their deliberations on the resolution in relation to changing the assessment law by to-morrow.

Which was not agreed to.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER :**

The committee on Engrossed Bills have examined engrossed bill of the House No. 83, and find the same correctly engrossed.

Mr. Dufour moved to take up Senate bill,

No. 8. A bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest.

Pending which,

On motion by Mr. Pratt,

The House adjourned.



FRIDAY MORNING, 9 o'clock, }  
February 4, 1853. }

House met pursuant to adjournment.

On motion by Mr. Graham,

The reading of the Journal was dispensed with.

On motion by Mr. Underwood,

Leave of absence was granted to the committee on Benevolent and Scientific Institutions this afternoon.

On motion by Mr. Steele,

Leave of absence was granted to Mr. McKee until Tuesday next.

On motion by Mr. Underwood,

Leave of absence was granted to Mr. Bundy until Tuesday next.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Buell:

A petition from sundry citizens of Marion county requesting the passage of a law, providing for paying a reasonable fee to witnesses in State cases.

Which was referred to the committee on the Judiciary.

By Mr. Wilson:

A memorial from sundry citizens of the State of Indiana, on the subject of temperance.

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Manville, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom was referred resolution No. 39, inquiring into the expediency of exempting school lands not paid out, and merely holden by certificate of purchase, from taxation, have had said resolution under consideration, and beg leave respectfully to report it inexpedient. Your committee ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Lasselle, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee of Ways and Means, to whom was referred House bill No. 80, entitled "an act to provide for the payment of agents employed to transport fugitives detained under the provision of the act of Congress," approved February 12th, 1793, have had the same under consideration, and beg leave respectfully to report it back without amendment, and to recommend its passage. Your committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Seawright, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee of Ways and Means, to whom was referred House bill No. 82, entitled "an act to regulate the permission of foreign insurance companies to establish agencies in this State," have had the same under consideration, and beg leave respectfully to report that, in the opinion of the committee, said bill should pass without amendment. Your committee ask to be discharged from further consideration of the subject.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred Senate bill No. 35, have had the same under consideration, according to order, and have instructed me to report the same back to the House, with the following amendment; and, upon its adoption, to recommend the passage of the bill.

Amendment. Strike out the following words in the first section: "a felony in another State," and insert in lieu thereof the following words, to-wit:

"An offense in another State, which, by the laws of this State shall be a felony."

The amendment was adopted, and the bill ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to which resolution number 34, was referred, upon

the subject of the effect of section number 243 upon section 238, both of chapter first of the Revised Statutes, have had the same under advisement and have instructed me to report; that in their opinion said sections do not conflict with each other.

Under the old law of this State, certain conditions, such as interest, and being guilty of certain infamous crimes, rendered a witness incompetent to testify.

Sec. 238 of chapter first of the Revised Statutes of 1852, provides, that such persons as were excluded under the old law and by the common law, may be admitted as witnesses to testify.

Sec. 243 of the said chapter provides, that the evidence upon which the classes of witnesses above referred to, have been excluded under the old law, may yet be introduced, but that the same shall apply to the credibility of such witnesses, instead of their competency.

The committee having taken this view of the subject do not think there is any conflict between said sections, or that there is any necessity of changing the law upon that subject, and ask to be discharged from the further consideration of the subject of said resolution.

Which was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred Senate bill No. 26, entitled a bill to preserve and restore the records of the supreme court, have had the same under consideration.

The bill provides, that whenever the record of the supreme court becomes illegible from exposure to damp, the judges of said court shall direct the same to be copied by the clerk thereof, who shall receive for such services ten cents for every hundred words copied.

These services, if rendered, will cost the State a large sum of money, which will have to be paid out of the treasury. A majority of the committee are of the opinion, that no benefit would result to the State from such expenditure, commensurate with the loss. The opinions of the court, in the cases submitted, are the only parts of the record that any one could be interested in having transcribed. The public has no interest, even in this, for such of those opinions, as are of public importance, have been published in a durable form, and are now in the hands of every lawyer, and filed in every clerk's office in the State. Every opinion pronounced by the supreme court, is also, certified to, and recorded in the court below, where the proceedings in the cases was first had, and where the original papers in the same are still on file. It would be difficult to give a reason why a transcript from the court to which one of those opin-

ions was certified, would not subserve the interests of parties, as well as a transcript of the same record in the supreme court.

A majority of the committee are also of the opinion, that it would be wrong in principle, to tax the people of the State at large, to pay for services that cannot possibly benefit but a few individuals. Why not make the persons receiving the benefits, bear the burthen? Justice demands they should. I am, therefore, directed to report the bill back to the House, and to respectfully recommend that it indefinitely postponed.

When,

On motion by Mr. Pratt,

The report and bill were laid on the table.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred House bill No. 20, prescribing what shall be specified in writs of summons issued by the clerk of any court of record, and repealing the section upon that subject, contained in the Revised Code of 1852, have, according to order, had the same under consideration, and directed me to report it inexpedient to legislate upon the subject, and to recommend that the bill be indefinitely postponed.

In the opinion of the committee it would be impracticable to make the return day of the process by which the defendant is brought into court, any other than the first day of the term succeeding the commencement of the suit, such has been the uniform policy of the law heretofore. Though this at first sight, might seem to impose a hardship upon suitors, since, as is argued, the return day of the process would afford no indication when the cause would be heard, yet other provisions in the Code meet and obviate this objection entirely. The clerk is required to keep an issue docket, in which he docketts all actions in the order in which they are announced, setting as many for each day, as in his opinion will be disposed of by the court, and these causes thus disposed, are required to be called for trial in their order on the docket, and be tried on the day on which they are set. This record being open to the inspection of all parties interested, is thought to be ample means of notice when causes will be heard.

Which was concurred in and the bill indefinitely postponed.

Mr. McClure, chairman of the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations to whom was referred the petition of sundry citizens of the town of Knox, Starke county, praying for

the incorporation of the same, fixing its boundraies, &c., have had the same under consideration, and have directed me to report that in their opinion, chapter 108 of the Revised Statutes of 1852, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," contains ample provisions for the incorporation of towns; therefore, your committee ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. McClure, chairman of the committee on corporations made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred Senate bill No. 37, a bill to amend an act entitled "an act for the incorporation of insurance companies, defining, their powers, and prescribing their duties," approved June 17, 1852, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

Which was concurred, and the bill ordered to a third reading.

Mr. McClure, chairman of the committee on corporations, made the following report :

MR. SPEAKER :

The committee on Corporations to whom was referred resolution No. 14, have had the same under consideration, and have directed me to report :

No 101. A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.

Which was read a first time, and passed to a second reading.

Mr. Chapin chairman of the committne on Banks, made the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 36, "a bill to prohibit the circulation of foreign bank bills of a less denomination than ten dollars," have had the same under consideration, and have instructed me to report the same back and recommend that said bill be referred to the select committee on the same subject, as the same question is involved, and been fully discussed before said committee.

The report was concurred in, and the bill was referred to the Select Committee on Banks.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

**MR. SPEAKER :**

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred House bill No. 84, to prevent the gathering of Cranberries on the public lands of this State, before they are ripe, have had the same under consideration, and directed me to report the same back, with the following amendment :

Strike out the words "twentieth day of September," and insert the "first day of October," in the first section.

Which, if concurred in by the House, they would recommend the passage of the bill.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

**MR. SPEAKER :**

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred Senate bill No. 17, to amend an act regulating the duties and election of State Librarian, approved May 27, 1852, have had the same under consideration, and directed me to report the same back, and recommend that the same be laid on the table, believing that it is unnecessary to make any change in the above named act.

The report was concurred in, and the bill laid on the table.

Mr. Spencer, from the committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

**MR. SPEAKER :**

The committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred House bill No. 61, entitled "an act to encourage the spirit of colonization, by preventing negroes and mulattoes from acquiring real estate, after the first day of July next," have had the same under consideration, and instructed me to report the following additional section :

**SEC. 2.** Any white person or persons, who shall give, sell or convey any real estate situated within this State to a negro or mulattoe, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon an indictment in the proper circuit court, shall be fined in any sum not less than the value of the property so intended to be conveyed, which fine shall be paid into the county treasury of the proper county, for the use of the common school fund.

Mr. Brothwell moved to recommit, with instructions "That the commissioners of each county in this State, be and they are hereby authorized to pay the sum of five dollars, as a bounty for each and every negro scalp that shall be presented to them, on proof that the same was taken in the county."

Mr. Dufour moved that the instructions be confined to the county of Noble.

Mr. Orr moved that the amendment and instructions be laid on the table;

Which motion did not prevail.

Mr. Ferris moved that the report and instructions be laid on the table;

Which was agreed to.

Mr. McDonald of Lake moved to take the report and instructions from the table;

Which was agreed to.

Mr. Pratt moved to indefinitely postpone the bill and amendment.

And the question being put,

The ayes and noes were demanded by Messrs. Pratt and Orr.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dyer, Emery, Ferris, Gentry, Gootee, Graham, Greene, Hammond, Hamrick, Harris, Hendricks, Henry, Hooper, Hunt, Jennings, Johnson, Lasselle, Lemmon, Lines, Manville, Martin, McClure, Maxfield, McCormick, McDonald of Lake, McKinney, Moss, Orr, Parker, Pratt, Seawright, Service, Shoemaker, Shuman, Spencer, Steele, Stevens, Stockwell, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Work, and Yount—58.

*Those who voted in the negative were,*

Messrs. Able, Burnett, Catlin, Donelson, Dufour, Dunlavey, Durham, Farnsley, Ferguson, Fleming, Freeland, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lewis, Lowe, McDonnall of Sullivan, Peckenpaugh, Price, Read, Richardson, Rockafellar, Scott, Shelby, Simpson, Stackhouse, Struble, Sutton, Taber, Tanner, Wilson, and Mr. Speaker—35.

So the bill and amendment were indefinitely postponed.

Mr. Steele moved to reconsider the vote indefinitely postponing the bill and amendment.

Mr. McDonald of Lake moved to lay the motion to reconsider on the table.

Which was agreed to.

Mr. Milroy, from the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER:**

Your committee on the Rights and Privileges of the Inhabitants of the State, have had resolution No. 25 under consideration, and have authorized me to report

No. 102. A bill for the protection of game.

Which was read a first time and passed to a second reading.

Mr. Howell, chairman of the committee on County and Township business, made the following report:

**MR. SPEAKER:**

The committee on County and Township business, to whom was referred a resolution of the House on the expediency of so amending an act entitled "an act for the more uniform mode of doing township business, and to provide for dividing each civil township into three districts, each of which shall be represented in the selection of township trustees," have had the matter under consideration, and directed me to report that it is inexpedient to legislate on the subject; and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Maxfield, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 87, entitled "an act to fix the compensation of the State Printer," have had the same under consideration, and after giving the whole matter a thorough examination, beg leave to report the same back without amendment, and earnestly recommend its passage.

Mr. Struble moved to lay the report on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Struble and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Buell, Catlin, Chapin, Clark, Dodd, Donelson, Dufour, Dunlavey, Emery, Farnsley, Ferris, Gentry, Gootee, Handy, Henry, Hicks, Hooper, Howell, Jones of Jennings, Laird, Lasselle, Lowe, Manville, McCormick, McDonnall of Sullivan, Moss, Orr, Parker, Peckenpaugh, Price, Richardson, Stephens, Struble, Sutton, Tanner, Turpie, Work and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Cooper, Donald, Druley, Dyer, Durham, Ferguson, Fleming, Freeland,



Goodman, Graham, Greene, Hammond, Hamrick, Harris, Hendricks, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Lemmon, Lewis, Lines, Martin, Maxfield, McClure, McDonald of Lake, McKinney, Milroy, Pratt, Rockefeller, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Taber, Thomas, Walker of Laporte, Walker of Rush and Wilson—53.

So the report was not laid on the table.

When,

On motion by Mr. Walker of Laporte,

The consideration of the bill was postponed till Monday next, and made the special order of the day for said day.

The Speaker laid before the House the following communication from his Excellency, the Governor, in answer to a resolution of the House, with the accompanying report:

EXECUTIVE DEPARTMENT, }  
February 4th, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR,—You will please to lay before the House of Representatives, the enclosed communication, in answer to a resolution of the House, on the subject of the three per cent. fund.

Respectfully,

JOSEPH WRIGHT.

*Gentlemen of the House of Representatives:*

I am in receipt of the following resolution of the house:

*Resolved*, That the Governor of the State be requested to report to this house at his earliest practical convenience the condition of the three per cent. fund due the State of Indiana from the General Government.

In answer thereto I submit the following:

It is difficult to form a correct opinion as to the amount now due the State.

By an official document it is stated that the entire receipts by the United States on account of sales of land in Indiana to January 1, 1849, amount to the sum of \$21,316,100 00. Three per cent. on this sum is \$639,483 00. The whole amount received by the State for sales up to the 30th June, is \$505,604 77. Leaves a balance of \$133,878 23. Estimating the sales of public lands in Indiana for the years 1849, 1850, 1851 and 1852, at 100,000 acres per year at \$1 25 per acre amount to \$500,000; 3 per cent on this sum is \$15,000 00. It is said that no estimate has been allowed the State upon sales of the public lands in the Cincinnati and Chillicothe land districts amounting within this State to 1,179,259 acres; this land was most-

ly if not all sold at \$2 00 per acre; if we allow this land to bring the sum of \$2,000,000, 3 per cent on this is 60,000 00. The whole amount due the State, is \$208,878 23.

In this calculation no allowance is made for the sales of the lands in the Miami reserve since 1849, which were sold at \$2 00 per acre; this would increase the amount due the State. No payment has been made to the State since the 1st of November, 1843.

The General Government became the purchaser of 210 five per cent. bonds of the State of Indiana, at \$1,000 each which were held in trust for certain Indian tribes, and as the interest was not paid by the State on her bonds, the further payments of this fund were withheld by the Government.

This refusal to pay, first by the treasury department, was sanctioned by a joint resolution of Congress, approved 3d of March, 1845, which directed the treasury of the United States—

“Whenever any State shall have been or may be in default for the payment of interest or principal on investments in stocks or bonds held by the United States in trust, to retain certain moneys to which said State is entitled for the purposes therein named.”

The interest due on these bonds to January 1st, 1853, is \$126,000 00.

There was an effort made in 1847, to procure the passage of an act of congress directing the surrender of these bonds and their conversion into new stocks on the same condition of the other bondholders.

A bill for this purpose passed the Senate, and was defeated in the House of Representatives.

This subject was referred for adjustment to your Senators in congress by a joint resolution of January 3d, 1850. Information was received in the fall of 1850, from your senators that no settlement could be effected without an act of congress. Since that time, no further progress has been made towards any arrangement of this matter, so far as the executive officers are advised. The attention of the General Assembly was specially called to this subject in my message of 1851-2.

A more detailed account of this fund will be found in the documentary Journal of 1851-2, in the answer of the Auditor of State to a resolution of the house communicated January 12th, 1852.

Respectfully,

JOSEPH A. WRIGHT.

On motion by Mr. McDonald of Lake,

The report was referred to the joint select committee heretofore appointed on that subject.

#### RESOLUTIONS.

On motion by Mr. Hicks,

*Resolved*, That the Judiciary committee be instructed to inquire

whether the circuit courts have power in all cases to change the names of persons, and report at their earliest convenience.

On motion by Mr. Ballard,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reviving the law of last session relative to the settlement of decedents' estates, and report the same at their earliest convenience.

On motion by Mr. Walker of Laporte,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the expediency of providing a font of type and press for the Institution for the education of the Deaf and Dumb, with which to teach the inmates the art of printing.

On motion by Mr. Shuman,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the 148th section of an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, as to allow executors and administrators a certain per centum for their services, and extra compensation for extraordinary services in the settlement of decedents' estates.

Mr. Chapin offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of increasing the salary of circuit prosecuting attorneys, or to provide that their fees in the prosecution of felonies shall be collectable out of the county treasury, and report by bill or otherwise.

Mr. Johnson moved to amend by striking out "committee on the Judiciary" and inserting in lieu thereof "committee on benevolent and scientific institutions."

Which motion prevailed,

And the question recurring on the adoption of the resolution as amended,

It was agreed to.

On motion by Mr. Hicks,

*Resolved*, That the committee on benevolent institutions be instructed to inquire into the expediency of employing female teachers in the Institutions for the education of the Deaf and Dumb and Blind, to instruct the female pupils therein.

Mr. Orr offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the 14th section of an act

defining felonies, and prescribing punishment therefor, approved June 10, 1852, to read as follows: Every person who shall unlawfully have carnal knowledge of a woman against her will, or of a woman child under twelve years of age, with or without her consent, shall be deemed guilty of a rape, and upon conviction thereof shall be imprisoned in the State prison not exceeding twenty-one nor less than two years; and in prosecutions for such offense proof of penetration shall be sufficient evidence of the commission thereof; and report to this House their action on the same without delay.

Mr. Manville moved to refer the resolution to the committee on benevolent and scientific institutions.

Which was not agreed to.

Mr. Tanner moved to refer the resolution to the committee on ways and means.

Which was not agreed to.

Mr. Johnson moved to refer the resolution to the committee on military affairs.

Which was disagreed to.

And the question recurring on the resolution, it was adopted.

On motion by Mr. Lemmon,

*Resolved*, That the committee on the Judiciary be requested to report to this House whether they have employed a clerk, and if so, whether said clerk renders any valuable service to said committee, and if not, they be requested to discharge such clerk.

Mr. Jones of Jennings offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of abolishing the court of common pleas, and instituting in lieu thereof a system of circuit probate courts, and report by bill or otherwise.

Which was not adopted.

Mr. Ferguson offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending section 17, of chapter 27, of the Revised Statutes, as provide that the widow shall take one-half of the real estate of the deceased husband, when the same does not exceed in value one thousand dollars; and also, that she shall have one-third of the balance of the estate (real and personal), after all debts against the estate are paid.

Which was not adopted.

#### BILLS INTRODUCED.

Mr. Able obtained leave and introduced,

No. 103. A bill supplemental to an act entitled an act to provide for a general and uniform system of common schools, school

libraries and matters properly connected therewith, approved June 14th, 1852;

Which was read a first time and passed to a second reading.

Mr. Milroy obtained leave and introduced,

No. 104. A bill authorizing the Auditor of State, to audit the account of William Potter, and to allow him one hundred and fifty dollars for services as prosecuting attorney in the eighth judicial circuit;

Which was read a first time and passed to a second reading.

Mr. Laird obtained leave and introduced,

No. 105. A bill to abolish the office of public printer, and to provide for letting out the public printing to the lowest bidder;

Which was read a first time and passed to a second reading.

Mr. Jones of Ripley obtained leave and introduced,

No. 106. A bill to supply the omission of words in the Revised Statutes of 1852;

Which was read a first time and passed to a second reading.

Mr. Service obtained leave and introduced,

No. 107. A bill to amend section 3 of an act entitled an act for the regulation of weights and measures, approved June 9th, 1852;

Which was read a first time and passed to a second reading.

Mr. Johnson moved to suspend the order of business in order to take up bill of the Senate, No. 8, in regard to admitting the evidence of Indians and negroes.

Which was not agreed to.

#### ORDERS OF THE DAY.

##### *House Bills on second Reading.*

No. 94. A bill to provide for an addition to the library at the hospital, for the use of the insane;

Was read a second time and ordered to be engrossed.

No. 95. A bill to authorize and empower township clerks, and township trustees, to administer all oaths, when required, in doing township business,

Was read a second time; and,

On motion by Mr. Spencer,

Was referred to the committee on County and Township Business.

No. 96. A bill to amend an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852,

Was read a second time; when,

On motion by Mr. Dodd,

The bill was referred to the committee on the Judiciary.

No. 97. A bill amendatory of the second section of "an act for the incorporation of cities," approved June 18th, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provision of the act herein mentioned of June 18, 1852.

Was read a third time; when,

On motion by Mr. Farnsley,

The bill was referred to the committee on Corporations.

No. 98. A bill to authorize the redemption of forfeited congressional school lands, by persons who were purchasers thereof, and their assignees, heirs and legal representatives.

Was read a third time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on Education.

No. 99. A bill to amend "an act for the relief of certain persons therein named," approved February 16, 1848,

Was read a second time; when,

On motion by Mr. Dufour,

The bill was referred to the committee on the Judiciary.

No. 100. A bill to fix the time of holding the Courts of Common Pleas, in the district composed of the counties of Perry, Spencer and Dubois.

Was read a second time; when,

On motion by Mr. Richardson,

The bill was referred to a select committee consisting of Messrs. Richardson, Laird, Lowe, Stackhouse and Able.

#### HOUSE BILL ON THIRD READING.

No. 83. A bill to amend an act entitled "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852; also amendatory of an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14th, 1852.

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dun'avey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris,

Hendricks, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDounall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Ballard, Henry and Shoemaker—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 89. A bill to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to, or from said city, except on conditions contained in this act.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Buell, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Harris, Hendricks, Henry, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDounall of Sullivan, Milroy, Moss, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shuman, Simpson, Spencer, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—78.

*Those who voted in the negative were,*

Messrs. Ballard, Howell, Jones of Boone, Jones of Jennings, McKinney, Orr, Parker, Shelby, Shoemaker, Stackhouse, Tanner, Turpie and Mr. Speaker—13.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 22. A joint resolution in regard to the distribution of public documents;

Was read a second time.

Mr. Maxfield moved to refer the joint resolution to the committee on Federal Relations.

Which was disagreed to, and the joint resolution ordered to be engrossed.

No. 23. A joint resolution in relation to the three per cent. fund due Indiana from the General Government,

Was read a second time; when,

On motion by Mr. Manville,

The joint resolution was referred to the joint committee on the three per cent fund.

#### SENATE BILLS ON SECOND READING.

No. 44. A bill directing how and when stocks belonging to a decedent's estate, shall be sold or distributed,

Was read a second time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on the Judiciary.

No. 33. A bill to amend section three of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,

Was read a second time; when,

On motion by Mr. Farnsley,

The bill was referred to the committee on the Judiciary.

No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington City and procure the re-adjustment of the three per cent. fund and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, to be placed to the credit of the State upon the books of the General Government; and also to provide for his compensation therefor,

Was read a second time; when,

On motion by Mr. Hicks,

The bill was laid on the table.

No. 46. A bill to amend the third section of an act entitled "an act for an organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1st, 1852;

Was read a second time; when,

On motion by Mr. Steele,

The bill was referred to the committee on the Judiciary.

No. 48. A bill to repeal certain acts therein named,

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

The Speaker laid before the House the following communication from his Excellency, the Governor, with the accompanying claim.



EXECUTIVE DEPARTMENT, }  
 FEBRUARY 4, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—You will please lay before the House of Representatives the inclosed communication of P. Geyser, on the subject of labor performed in translating the Revised Statutes.

Respectfully,

JOSEPH A. WRIGHT.

*To His Excellency the Governor of the State of Indiana:*

The kindness and affability with which your excellency always receives the petitions of those who seek justice in a less complicated way than the courts of law prescribe, induce me to apply to you in a matter of which, perhaps, you may yet have some recollection.

I seek no personal favor, and as I do not take your excellency to be a respecter of persons, I confine myself to lay the facts of my case before you.

Last summer, being then at the head of a select school in Kentucky, I received from Mr. Boeticher, the editor of a German paper in this city, several invitations to come to Indianapolis, and to undertake the German translation of the Revised Statutes, he assuring me that the Secretary of State had left to him the appointment of a translator, and had made him responsible for the correctness of the work. I thought the task as honorable as it was difficult, and I left my station in Kentucky. When I arrived in this place I found a good many pages already translated and composed. The Secretary of State in the meantime forced upon Mr. Boeticher a young man of whose qualifications he knew as little as those who had recommended him. Mr. Boeticher saw himself, that the translation was faulty in style, phraseology, and in the use of words; but I pointed out to him such important errors, omissions and misinterpretations, that he was obliged to undo his own work again. I will not mention here the conduct of the Secretary of State, when we told him of these facts. He insisted that the young man should be employed. I refused to work with him, because I saw plainly that the translation would be such as to disgrace all those who had been engaged about it, and I made ready to return to Kentucky. Mr. Boeticher, feeling the difficulties of his position very keenly, because he was responsible in the eyes of the subscribers, to whom he had promised a good and readable book, entreated me so much that I consented to stay, under the condition that your excellency should interfere, as he had led me to hope, as soon as you should have returned to Indianapolis. I set to work translating my part, and correcting, or rather remoulding the performances of the protege of the Secretary of State. A glance at his manuscript would suffice to show what trouble I had

with it. Mr. Boetticher told me subsequently that he had spoken to you, and that your excellency had promised him that I should get a fair compensation for the surplus of my labor. I relied on this promise, and I went on, working night and day, with unremitting zeal, that the translation might answer the magnanimous resolution of the Legislature, and honor my name. The first volume is now finished, and therefore I would humbly and respectfully remind your excellency of the promise which alone induced me to hold on to the task. I do not ask for a reward—I ask for my wages. Every body acknowledges that the price fixed by the Legislature would not even pay a mere copyist. Now I do not claim anything on that plea. I claim my pay for a great deal of work for which I have not received one cent.

Your excellency has spoken such noble words in your last message, of the protection which the State owed the laborer against the employer, that I cannot permit myself the slightest doubt that you will apply those words to my case.

Humbly and respectfully I beg your excellency to take this my petition into consideration, in order that I may obtain that pay to which my work entitles me.

With all due respect and obedience,

Your Excellency's servant,

P. GEYSER.

Which,

On motion by Mr. Turpie,

Was referred to the committee on Claims.

By unanimous consent,

Mr. Seawright obtained leave, and offered the following resolution:

*Resolved*, That the Principal Doorkeeper of the House be requested to preserve the papers, documents and letters of absent members, and not lay them upon their desks, until their return to their seats.

Which was agreed to.

By unanimous consent,

Mr. Dodd obtained leave and offered the following preamble and resolution:

**WHEREAS**, The colored people of this State are excluded from participation in the common benefits of our system of common schools, and yet are liable to pay a tax for the support of the same, which is manifestly unjust, therefore,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of releasing such colored persons from the payment of such taxes, or if it be thought preferable that the said school tax shall be applied, so far as the same is derived from colored persons, to the support of schools for their exclusive use, and report by bill or otherwise.

Which was agreed to.

By unanimous consent,

Mr. Walker of Laporte obtained leave and offered the following resolution:

*Resolved*, That the Clerks of this House be authorized to sign the names of the members, both of the House and Senate, to a petition recommending a citizen of the State of Indiana, as a qualified, worthy and proper man to receive a national executive appointment.

Mr. Laird moved to amend the resolution by adding in the proper place the words: "a democrat in good standing."

Which was agreed to.

Mr. Johnson moved to further amend by adding before the word "members," the word "democratic."

Which motion prevailed.

The question then recurring on the adoption of the resolution as amended.

On motion by Mr. Lowe,

The resolution was laid on the table.

On motion by Mr. Scott,

Leave of absence was granted to Mr. Dyer.

On motion by Mr. Henry,

The House adjourned.

2 o'clock, P. M.

House met.

#### ORDERS OF THE DAY RESUMED.

#### *Senate Bills on third Reading.*

No. 18. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State.

Was read a third time.

Mr. Scott moved to recommit the bill to the committee on the Judiciary, with the following instructions:

*Provided*, That it shall be shown upon said appeal that the same was taken for the purpose of delay by such company, or for the purpose of vexing or harrassing said owners of stock destroyed, in which case it shall be the duty of the court or jury trying the same, to take into consideration all the circumstances connected with the case.

And the question being put,

And the ayes and noes were demanded by Messrs. Jones of Jennings and Struble.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Brown, Burnett, Chapin, Cooper, Donald, Ferris, Goodman, Graham, Greene, Hendricks, Henry, Hooper, Hunt, Jennings, Lewis, Lines, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, Milroy, Moss, Peckenpaugh, Pratt, Rockafellar, Scott, Service, Shelby, Shuman, Spencer, Steele, Stephens, Stockwell, Sutton, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Hammond, Hamrick, Harris, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings Jones of Ripley, Laird, Lasselle, Lemmon, Lowe, Manville, Martin, McClure, McKinney, Orr, Parker, Price, Read, Richardson, Seawright, Simpson, Stackhouse, Struole, Taber, Turpie, and Yount—43.

So the bill was not recommitted with instructions.

The question then recurring on the passage of the bill, and the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Buell, Donelson, Druley, Dunlavey, Durham, Farnsley, Ferguson, Fleming, Gentry, Gootee, Graham, Hammond, Hamrick, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Jones of Jennings, Laird, Lemmon, Lines, Lowe, Martin, Manville, McCormick, McClure, McKinney, Orr, Parker, Price, Read, Richardson, Seawright, Service, Shuman, Simpson, Struble, Stackhouse, Stephens, Taber, Turpie, Walker of Laporte, Wilson, and Work—49.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Brown, Burnett, Chapin, Cooper, Dodd, Donald, Emery, Ferris, Freeland, Goodman, Greene, Harris, Hendricks, Henry, Hooper, Jennings, Lasselle, Lewis, Maxfield, McDonald of Lake, McDonnall of Sullivan, Milroy, Moss, Peckenpaugh, Pratt, Rockafellar, Scott, Shelby, Spencer, Steele, Stockwell, Sutton, Thomas, Walker of Rush, Work and Mr. Speaker—38.

So the bill did not pass for the want of a constitutional majority.

No. 19. A bill for the better regulation of telegraph companies, and legalize their former acts.

Was read a third time.

Mr. Chapin moved to recommit the bill with instructions to insert,  
 SEC. 4. All irregularities or defects in the organization of said  
 telegraph companies are hereby legalized.

Which was not agreed to.

The question recurring on the passage of the bill and the question  
 being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell,  
 Burnett, Chapin, Cooper, Dodd, Donald, Dunlavey, Farnsley, Gentry,  
 Goodman, Hammond, Hendricks, Hicks, Jennings, Johnson, Mc-  
 Cormick, McClure, McDonald of Lake, McKinney, Moss, Orr,  
 Peckenpough, Scott, Shuman, Steele, Stephens, Stockwell, Sutton,  
 Walker of Laporte, Walker of Rush, Work, Yount and Mr.  
 Speaker—39.

*Those who voted in the negative were,*

Messrs. Donelson, Druley, Durham, Emery, Ferris, Ferguson,  
 Fleming, Freeland, Gootee, Greene, Harris, Henry, Hooper, Howell,  
 Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird,  
 Lasselle, Lemon, Lewis, Lines, Lowe, Manville, Martin, Maxfield,  
 McDonnall of Sullivan, Milroy, Parker, Pratt, Price, Richardson,  
 Rockafellar, Seawright, Service, Simpson, Spencer, Stackhouse,  
 Struble, Taber, Turpie, and Wilson—43.

So the bill did not pass.

By unanimous consent,

Mr. McDonald of Lake obtained leave and offered the following  
 resolution:

*Resolved*, That when this House adjourn, it will adjourn to 9  
 o'clock on Monday morning.

Mr. Hicks moved to amend by adjourning until 2 o'clock, P. M.  
 Monday.

Which was not agreed to.

The question then being on the adoption of the resolution.

It was adopted.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-  
 tives, that the Senate have passed the following joint resolution of  
 the House:

No. 15. A joint resolution asking Congress to grant John Linsey and James Elliott, pensions, without amendment.

A message from the Senate, by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bills of the House:

No. 45. An act to amend an act entitled an act touching official bonds and oaths, approved June 9, 1852.

No. 65. A bill to amend an act entitled an act in relation to county treasurers, approved June 4, 1852.

No. 69. A bill to amend an act entitled an act to enable trustees to receive lands and donations, and convey the same for the use of Schools, Churches, Religious Societies, Masonic and Odd Fellow Lodges, Sons and Daughters of Temperance, and for the construction of Cemeteries, Houses of Worship, or other buildings therein mentioned, approved June 17, 1852.

No. 53. An act amendatory of the sixth section of an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, approved May 27, 1852, and to authorize allowances to poor persons in certain cases, without amendment.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution :

*Resolved*, That, the House concurring, the committees on the State Prison be directed to proceed to Jeffersonville on Tuesday next to examine into all matters pertaining to the penitentiary, its condition, the treatment of the convicts and such other things, as in their judgment, may afford a correct facility to legislate upon the proposed change and additions to that institution.

In which the concurrence of the House is respectfully requested.

Which was reciprocated by the House.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 7. A bill to authorize railroad companies to connect with railroads in an adjoining State, to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located.

In which the concurrence of the House is respectfully requested.  
 Bill No. 7, contained in the foregoing message, was read a first time, and passed to a second reading.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House:

No. 37. An act to change the time of holding courts in the 10th judicial circuit, with the following engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The question being on concurring in the amendments of the Senate to House bill, No. 37, contained in the foregoing message,

And the question being put;

The amendments were not concurred in.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Hicks obtained leave and offered the following resolution:

*Resolved*, That members receiving leave of absence, before absenting themselves, give their names to the door keeper of this House, in order that their papers and documents may be preserved by him until their return.

Which was adopted.

By unanimous consent,

Mr. Steele obtained leave and introduced a petition from sundry citizens of Parke county, on the subject of temperance;

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. Druley obtained leave and presented a petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. Seawright obtained leave and presented a petition from 33 voters of Clinton county, on the subject of temperance;

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. McCormick obtained leave and presented a petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. Ferguson obtained leave and presented a petition from sundry citizens of Greene county, on the subject of temperance;

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. Henry obtained leave and offered the following resolution:

*Resolved*, That the State Librarian is hereby instructed to communicate to this House, at as early a day as practicable, all the information in his possession in relation to international literary exchanges, and the probable valuation of books and other literary acquisitions, furnished this State through the agency of Alexander Vattermere, the constituted agent, and that the Clerk of this House furnish the Librarian with a copy of this resolution.

Which was adopted.

By unanimous consent,

Mr. Milroy obtained leave and offered the following resolution:

*Resolved*, That each member of this House be furnished with one copy of the Temperance Chart weekly, and the same compensation be allowed the editor of the Chart that is paid to other weekly papers of this House.

Which was not adopted.

By unanimous consent,

Mr. Brown obtained leave and presented a petition from sundry citizens of the State of Indiana on the subject of temperance.

Which was referred to the committee on Temperance.

By unanimous consent,

Mr. Shuman, from the committee on Roads, obtained leave and made the following report:

MR. SPEAKER:

The committee on Roads, to whom was recommitted bill No. 19, with instructions to strike out of section 45 the words "have been or," immediately after the words "roads which," and before the words "may hereafter," have had the same under consideration, have made the alteration set forth in the instructions, and have directed me to report the bill back to this House, and to recommend its passage.

Which was concurred in; and,

On motion by Mr. Work,

The bill was laid on the table.

By unanimous consent,

On motion by Mr. Spencer,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the common school act by striking out February, in the 29th section of said act, and inserting June in lieu thereof; also, to require the several county auditors of this State, immediately after making their annual reports of the school fund, to forward a certified copy of said report to the State Superintendent, and report by bill or otherwise.

By unanimous consent,

Mr. Service obtained leave and presented a petition from sundry citizens of the State of Indiana, on the subject of temperance.

Which was referred to the committee on Temperance.



On motion by Mr. McCormick,  
Leave of absence was granted to Mr. Shoemaker until Monday evening next.

On motion by Mr. Seawright,  
Leave of absence was granted to Mr. Clark until Monday next.

Mr. Fleming, chairman of the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills have examined engrossed bill of the House No. 89, and find the same correctly engrossed.

Mr. Fleming, chairman of the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills have examined engrossed bill of the House No. 94, and find the same correctly engrossed.

Mr. Fleming, chairman of the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills have examined engrossed bills of the House Nos. 80, 82 and 84, and engrossed amendment of the House to Senate bill No. 35, and find the same correctly engrossed. Also, engrossed joint resolution of the House No. 22.

On motion by Mr. Parker,  
The House adjourned.

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MONDAY MORNING, 9 o'clock, }  
February 7th, 1853. }

The House met pursuant to adjournment.

The Journal of Saturday was partly read,  
When,

On motion by Mr. Graham,  
The further reading was dispensed with.

## PETITIONS, MEMORIALS, &amp;C., PRESENTED.

By Mr. Dufour:

The petition of James A. Claghorn and 59 male, and Mary Olmsted and 27 female, citizens of Switzerland county, on the subject of temperance.

Which was referred to the committee on Temperance.

By Mr. Jones of Ripley:

A petition from 47 citizens of Ripley county, on the subject of temperance.

Which was referred to the committee on Temperance.

By Mr. Donelson:

A petition from 60 voters of Shelby county, on the subject of temperance, which was referred to the committee on temperance.

By Mr. Stockwell:

Twenty-eight petitions from 463 ladies and 421 voters of Vanderburgh county, on the subject of temperance.

Which were referred to the committee on Temperance.

By Mr. Farnsley:

A petition from George A. Davis, of Greene county, asking compensation for services rendered the State of Indiana.

Which was referred to the committee on Claims.

By Mr. Speaker:

A petition from sundry citizens of the State of Indiana, asking the passage of a law making forcible entry and detainer an indictable offense, and punishable by fine and imprisonment.

Which was referred to the committee on the Judiciary.

By Mr. Speaker:

A petition from sundry citizens of the State of Indiana, praying the repeal of the law for the settlement of decedents' estates.

Which was referred to the committee on the Judiciary.

The Speaker laid before the House the following communication from the State Librarian, in answer to a resolution of the House.

STATE LIBRARY, }  
INDIANAPOLIS, Feb. 7, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—Please lay the accompanying communication in answer to a resolution of the House, before the body over which you have the honor to preside.

Yours respectfully,

N. BOLTON, *State Librarian.*

STATE LIBRARY,  
INDIANAPOLIS, Feb. 5, 1853. }

*To the Honorable House of Representatives :*

The State Librarian, in answer to a resolution of the House of Representatives, in relation to the International Literary exchanges, and the probable valuation of books and other literary acquisitions furnished this State through the agency of Alexander Vattermere, would respectfully state, that a history of this matter will be found at length in a pamphlet published by order of the Legislature in 1848, a copy of which is herewith submitted, entitled, "joint resolutions and report of the General Assembly," &c. These joint resolutions have been adopted by the Legislature on the subject of literary exchanges; one in January, 1844, and two in January, 1848; the latter appointing Mons. Vattermere, agent for the State of Indiana, with an appropriation, annually, not exceeding four hundred dollars to pay expenses; the account to be certified by the Governor and audited by the Auditor of State. It appears that the Governor has declined to certify to the account presented. This difficulty had presented itself soon after my election as State Librarian, consequently, I was unable to make any recommendations on the subject.

I have examined the reports of my predecessor, and find no notice of Mons. Vattermere, except in his annual report to the Legislature, at the session of 1848-'49. I herewith forward your honorable body the Documentary Journal containing this report, which will be found in the second part, on page 309. I also forward you a pamphlet copy of my report of last winter, containing a catalogue of the books received as literary exchanges, since my connection with the Library. These two reports contain all the notices I have been able to find of the reception of books, and comprise, I believe, the books now on hand.

There was no idea on the part of the Legislature of 1848, when the appropriation of four hundred dollars was made as a compensation to Mons. Vattermere, that it should be considered as annually of that amount. It was expected by having an agent in Paris, literary institutions of that city and other parts of Europe, might be induced to send us valuable books, and scientific and literary productions in exchange for our laws, reports and public documents. It was held out, in the pamphlet I send you, that not only a French, but a German library of considerable magnitude would be added to our collection. But the books received, are principally French works, mostly the debates and reports of the Chambers of Deputies and French Classics, are quarto volumes of the most expensive editions which have been printed many years since. It can hardly be

expected that the State would pay for an agent in Paris, to effect exchanges for foreign books—not to purchase them—a sum equal to the annual appropriation to our State Library.

The plan laid down by Mons. Vattemere is worthy of the highest consideration, and found many advocates both in and out of the Legislature in 1848, when the appropriation was made. But from some cause or other, if the sum of four hundred dollars is to be annually paid out to Mons. Vattemere, it has not answered the purposes intended; for the books now on hand are not worth the claim presented as compensation to the agent; in other words, we have paid for the books, by sending our reports, laws and documents in return. But the salary of an agent to attend to these exchanges, to say nothing of the price paid for transportation, which comes out of the contingent fund, on the order of the Governor. So long as I continue in office, I will be happy to co-operate in any measure that may be calculated to continue a system of international literary exchanges. But I think the resolution making an appropriation to Mons. Vattemere should be more definite in its character.

Respectfully submitted,

NATHANIEL BOLTON,

*State Librarian.*

Which,

On motion by Mr. Henry,

Was referred to the committee on Claims.

#### REPORTS FROM COMMITTEES.

Mr. Lasselle, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 30, entitled "a bill to abolish poll taxation, except as regards roads and schools," have had the same under mature consideration, and have directed me to submit the following report, namely:

The proposition submitted by this bill, for the consideration of the committee, is not a new one. Ineffectual efforts have been made, almost every session of the Legislature for the last twenty years. The subject received the thorough investigation and mature deliberation of the last General Assembly. The committee on Ways and Means, to whom the subject was referred, made a report, in which they use the following language: "It is a general and just principle, that all who enjoy the protection and privileges which their government gives, should, also, bear their just share of the burthens which it imposes. There is a portion of the citizens of the State, who are protected in their persons and reputation, who would not pay any

part of the exactions which government makes of the citizens, to pay the expense of its administration, if a poll tax should be abolished.

"But apart from the justice or injustice of the principle of taxing polls, there is another consideration that should govern at the present time. There are one hundred and fifty thousand polls in the State of Indiana; fifty cents on each poll, the amount of the poll tax the last year, would produce the sum of \$75,000,—an amount almost equal to the ordinary expenses of the State government. The State cannot lose that large sum of money without materially affecting her finances. The first and most important duty that we owe to our immediate constituents and to the State at large, is to provide for the payment of the State debt. We cannot perform that duty by cutting off one of the principal sources of our revenue. The same reasons will apply to the several counties that do to the State."

These views are correct in principle, but they will apply with much greater force now, than they did a year ago: because the number of polls has increased, and the amount of interest upon our public debt has greatly increased. For these reasons, the committee have directed me to report the said bill back, and recommend its indefinite postponement.

On motion by Mr. Walker of Laporte,

The report was laid on the table.

Mr. Jennings, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 56, an act entitled "an act to amend section seventy-eight of the revenue law of 1852, so that county auditors, in making duplicates of taxes, shall reject all fractions of a cent less than five mills, and estimate all fractions of five mills and upwards as a whole cent, and in setting down the value of lands, improvements, town lots and personal property, shall not be required to set down in the units place any other figures than 5 or 0, changing the figures 1 and 2 in the units to 0, and the figures 3 and 4 to 5," have had the same under consideration, and have directed me to report that your committee are preparing a bill amending various sections of the revenue law, (approved June 21, 1852,) and that the provisions of bill No. 56 will be incorporated in such bill.

The report was concurred in, and the bill laid on the table.

Mr. Stockwell, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 60, amending section forty-nine of the revenue law, (ap-

proved June 21, 1852,) have had the same under consideration, and have directed me to report that your committee are preparing a bill amending various sections of the revenue law, and that the provisions of bill No. 60 will be incorporated in such bill.

The report was concurred in, and the bill laid on the table.

Mr. Stockwell, from the committee on Ways and Means, made the following report:

**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred a resolution instructing said committee "to inquire into the expediency of requiring the lists of personal property furnished the assessor to specify the ages of horses, mules and cattle under one year, over one and under two, over two and under three, and also over four years," have had the same under consideration; and have directed me to report the same back, and recommend that the same be referred to the committee on Agriculture, with instructions to such committee to inquire whether the passage of such a law would advance the great agricultural interest of the State of Indiana.

Which report was concurred in.

Mr. Dodd, from the committee on Ways and Means, made the following report:

**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred a resolution instructing said committee to inquire into the expediency of exempting from taxation the property of "Seminaries of learning," have had the same under consideration, and have directed me to report that your committee are preparing a bill amending various sections of the revenue law, (approved June 21, 1852,) and that the provisions of said resolution will be incorporated in such bill.

Which report was laid on the table.

Mr. Seawright, from the committee on Ways and Means, made the following report:

**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred resolution of the House No. 26, instructing said committee to inquire into the expediency of amending section seventy-two of the revenue law, approved June 21, 1852, by striking the word "county" out of the eighth line, and inserting the word "township," have had the same under consideration, and have directed me to report that your committee are preparing a bill amending various sections of said law, and that the provisions of said resolution will be incorporated in such bill.

Which was laid on the table.

Mr. Manville, from the committee on Ways and Means, made the following report :

**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred a resolution instructing them to inquire into the expediency of reporting a bill to this House so amending the assessment law as to provide that the settlement of county auditors and treasurers shall be made on the third Monday in January, instead of the third Monday in March; and also that the county treasurer shall make his annual report to the Treasurer of State on or before the second Monday in February, instead of the second Monday in April, have had the same under consideration, and have directed me to submit the following report:

Section one hundred and twenty-three of the revenue law of 1852, requires the county auditor and treasurer to make a settlement on the third Monday in March. The 12th section of the same act requires the county treasurer to make a settlement with the Treasurer of State on the second Monday of April. The 96th section of the same act imposes a penalty of ten per centum, and all costs and charges that may accrue upon all persons who do not pay their taxes before the third Monday of March. If the county treasurer was required to make his settlement on the third Monday of January, he would be compelled to return all those delinquent who had not paid their taxes at that time. This would be imposing a heavy burthen upon those who are unable to pay, and who are already pressed down with high taxes. The wealthy man can pay his taxes at any time; but the poor man has to make many shifts to gather together enough money to pay his taxes. The time of making the settlement was extended for the benefit of the poorer part of our tax payers. But it is said, if the law remains as it now is, that persons will move away before the settlement is made with the treasurer. That difficulty is obviated by the 100th section of said act, which provides that in case the treasurer shall have cause to fear that any person charged with tax is about to remove from the county without payment of his tax, he may, at any time before the third Monday of March, in like manner levy such costs and charges by distress and sale. If the time of settlement is changed, it will derange the whole revenue system, and it will require some twenty other changes to be made, to conform to this one.

The 29th section of the common school law requires the State Superintendent to make a distribution of the school funds on the 3d Monday of February. This conflicts with the revenue law. A distribution of the school funds cannot be made until after the settlement of the auditor and treasurer. It would be much better to change the school law to conform to the revenue law.

In view of all these reasons, the committee have directed me to

report the said resolution back, and ask its reference to the committee on education, with instructions to said committee to inquire into the expediency of changing the school law so that it will conform to the revenue law.

The report was concurred in, and the resolution referred to the committee on education.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred bill No. 88, entitled an act prescribing the mode by which persons shall entitle themselves to the benefits of the exemption law, and the causes by which such exemption shall be deemed waived, and the mode by which the valuation or appraisement laws may be waived, have had the same under consideration, and instructed me to report the same back to the House, with a recommendation that it be indefinitely postponed. The bill provides that persons who wish to take the benefit of the exemption law shall register their names in the office of the county recorder; and that failure to register their names in that manner should deprive them of the benefits of the law. In the opinion of the committee, it was the intention of the law, and of the section of the constitution on which it is founded, that no particular action should be required of a defendant, but whether he claimed or not the benefit, the hand of the officer should be stayed, and a wholesome amount of property should be left to his family, untouched and intangible by any claim of the execution plaintiff, and that any enactment rendering the defendant incapable of exemption in his favor, would be virtually annulling the constitution, and consequently nugatory.

And as to that part of the bill relating to the waiver of valuation laws, such purpose is already fully recognized and effected by the Revised Code of last winter.

On motion by Mr. Wilson,

The report and bill were laid on the table.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred Senate bill No. 39, have, according to order, had the same under consideration in connection with House bill No. 74, on the same subject, and have directed me to report the same back to the House and recommend its indefinite postponement.

In the opinion of the committee the disposition of indictments for



misdemeanors pending in the circuit courts, made by the bill which originated in the House, is more in unison with the spirit of the Revised Code of 1852. The act organizing courts of common pleas, gives that court original jurisdiction in all that class of offences which do not amount to felony, except those over which justices of the peace have exclusive jurisdiction. There seems to be an evident propriety in conferring upon this court the jurisdiction of all prosecutions for misdemeanors pending in the circuit courts at the time the above act took effect.

Besides, it seems to the committee a matter of grave doubt, whether the circuit courts were not divested of all jurisdiction over misdemeanors, the moment the act organizing the courts of common pleas took effect. These are some of the reasons which governed the committee in making the above recommendation. There is one more which should not be overlooked. The Senate bill is imperfect in making no provision for the prosecution of misdemeanors occurring before the above act was in force, and when no indictment had been found; the House bill reaches this class of offences.

The report was concurred in, and the bill indefinitely postponed.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom Senate bill No. 15, was referred, a bill extending the admissibility of records in evidence, have had the same under advisement, and a majority of said committee have directed me to report the same back to the House with the following amendments, to-wit: strike out of the first section all that part making the operation of the same prospective; also, strike out the second section, and with amendment said portion of said committee have directed me to recommend the passage of said bill.

Which report was concurred in.

And the question being on ordering the bill to a third reading;

The ayes and noes were demanded by Messrs. McDonald of Lake and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Brown, Buell, Burnett, Cooper, Goodman, Harris, Hooper, Hunt, Jennings, Johnson, Laird, Lasselle, Lines, Lowe, Martin, McClure, Moss, Orr, Parker, Pratt, Read, Richardson, Scott, Service, Shuman, Steele, Stockwell, Taber, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—35.

*Those who voted in the negative were,*

Messrs. Brecount, Brothwell, Catlin, Chapin, Dodd, Donald, Don-

elson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Hammond, Handy, Henry, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Manville, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Peckenaugh, Price, Rockafellar, Seawright, Shelby, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Tanner, Turpie and Underwood—49.

So the bill was not ordered to a third reading.

Mr. Pratt, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 74, have had the same under consideration and direct me to report the same back to the house with three amendments, and upon the adoption of such amendments to recommend the passage of the bill.

1st. Amend the title of the bill by adding the following: And to provide for the trial of misdemeanors therein occurring prior to the time the act organizing courts of common pleas took effect.

2nd. Insert the following as sec. 2.

SEC. 2. It shall be lawful for the courts of common pleas of the several counties of this State to take jurisdiction of all misdemeanors, heretofore punishable by presentment or indictment in the circuit court, which may have been committed prior to the taking effect of the act, entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14th, 1852, and for which no indictments have been found at the time of the taking effect of said act, and such courts of common pleas as to all such misdemeanors shall proceed to try and dispose of the same in the manner provided in the aforementioned act, and the acts supplemental thereto: *Provided however*, that prosecutions for such misdemeanors shall not be commenced by virtue hereof, where the same would otherwise have been barred by the statute of limitation.

3d. Amend sec. 2 by styling the same sec. 3.

Which amendments were adopted.

When,

On motion by Mr. McDonald of Lake,

The bill was laid on the table.

Mr. Moss, from the committee on the Judiciary made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred Senate bill No. 48, entitled a bill to repeal certain acts therein named, have directed me to report the same back without amendment and to respectfully recommend its passage.

The report was concurred in and the bill ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom Senate bill No. 12, was referred upon the subject of foreign guardians, have had the same under consideration, and have directed me to amend by adding section 3, and with this amendment have instructed me to recommend its passage:

**SEC. 3.** Inasmuch as guardians who are required by the law of other States, to make sale of the lands of their wards in this State without delay, cannot by the regular course of publication and distribution, have the benefit of this act for a considerable time to come.

An emergency is declared to exist for the immediate taking effect of this act, it is therefore declared that the same shall take effect, and be in force from and after its passage and publication in the Indiana State Journal and Sentinel.

The report was concurred in and the bill ordered to a third reading.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred the petition of P. J. Beswick and others, citizens of Clinton county, "asking for the passage of a law making gaming an indictable offense," have had the same under consideration, and have directed me to report that they are of the opinion the laws of the State, in respect to the offense complained of, are amply sufficient, if properly executed, to accomplish the object had in view by the petitioners. Your committee therefore, ask to be discharged from further consideration of the petition.

Which was concurred in.

Mr. Turpie, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred bill of the Senate No. 33, have instructed me to report the same back, and recommend its passage without amendment. The object of the bill is merely to correct a clerical error of enroller of bills of last session; the law fixing the minimum fine for mayhem at five dollars, when it should have been five hundred, the word "hundred" having been in the original bill, but omitted in enrolling, and hence in the code of last winter as at present published.

The report was concurred in, and the bill ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee to whom was referred Senate bill No. 30, on the subject of laying out lots, streets, &c., by guardians, was referred, have had the same under consideration, and have directed me to report that said bill meets the approval of said committee, and to recommend its adoption.

The report was concurred in, and the bill ordered to a third reading.

Mr. Read, from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee upon the Judiciary to whom was referred Senate bil No. 46, a bill to amend the third section of an act entitled "an act providing for the organization of circuit courts," &c., have had the subject under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Mr. Pratt offered the following amendments:

Amend the bill—

1st. By striking out the following words: "or court of common pleas."

2d. By striking out the following words: "to the court of common pleas or."

3d. By striking out the words, "a court of common pleas," or

4th. Add the following proviso at the end of section 1:

*"Provided, however, That where such disability of the judge arises from his having been of counsel to any party in any such suit or suits, the compensation of the judge thus required to preside over*

the trial of the same shall be deducted from the salary of the judge having such disability."

When,

On motion by Mr. McDonald of Lake,

The bill and pending amendments were laid on the table.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred House bill No. 79, have, according to order, had the same under consideration, and have directed me to report that, in the opinion of said committee, the plan proposed in said bill No. 79, for the distribution of the school fund, is injudicious and ineffective. I am therefore directed to return the said bill to this House and recommend its indefinite postponement.

The making of the necessary provisions for an equitable distribution of the school fund for the year ending on the fourth Monday in March, 1853, is attended with more difficulties than any subject which has come under the charge of the committee.

The common school law, approved June 14, 1852, provides that the civil township trustees shall make an enumeration of all the children entitled to attend school in their several townships respectively, and report the same to the State Superintendent of Public Instruction, who shall order the school fund of the State to be distributed among the townships in proportion to the number of children thus reported in each. Township trustees, however, created by an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, are not elected until the first Monday in April, 1853, hence the enumeration referred to cannot be made the present year, except where civil townships with trustees have heretofore been organised by special acts, and in those cities and towns which have organised in accordance with the provisions of section 32 of the late school law. The consequence is that schools have been conducted and are now in operation in many instances under the provisions of the new law, but as a general thing under the old district system. In many counties, too, where they act (informally) under the district system, the tax of ten cents on the hundred dollars levied by the new law for school purposes has not been assessed and collected.

The committee have, therefore, after mature deliberation, determined that for this year the fund collected in each county should in equity be distributed in each county, and have therefore directed me to report the following bill and recommend its adoption as a substitute for bill No. 79.

Which was concurred in.

And bill No. 79, indefinitely postponed.

No. 108. A bill entitled "an act to provide for the distribution of the school fund for the year ending the 4th Monday of March, 1853."

Which was read a first time, and passed to a second reading.

Mr. Underwood, from the committee on Education made the following report:

MR. SPEAKER:

The committee on Education to whom was referred resolution No. 7, in relation to county auditors being authorized to take the acknowledgments of mortgages for the payment of the trust fund, and if so, to make compensation by law for such service, have had the same under consideration and direct me to report, that the provisions of the law fully meet the exigences contemplated in said resolution, and that further legislation on the subject is unnecessary at this time, report the same back to the House and respectfully ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Shuman, from the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred resolution No. 41, instructing them to inquire into the expediency of authorizing county boards to levy a road tax when they shall deem it expedient, have had the same under consideration, and have directed me to report that it is inexpedient to legislate further on the subject, and beg to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Able from the committee on Roads made the following report:

MR. SPEAKER:

The committee on Roads to whom was referred bill No. 48, to amend an act entitled, "an act to provide for the erection and repairing of bridges, approved May 22, 1852, have had the same under consideration, and have directed me to report the same back without amendment, and request its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Turpie from the committee on Corporations made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred petition No. 2, of this House, of R. Henry Gay, Agent of the Troy Manufacturing Company, praying that the charter of said company might be so amended as to allow them to increase the capital stock of said company to \$200,000, and to hold \$50,000 in real estate, have had the same under consideration, and have instructed me to report the following bill, in conformity to the prayer of the petitioner; from the evidence before your committee the company appears to have been a benefit to the community in which its operations are carried on, and it seems to be the wish of the people of the county that their privilege should be extended:

No. 109. A bill to amend an act entitled an act to incorporate the Cannelton Steam Mill and Manufacturing Company, approved February 16, 1848, changed to the name of the Troy Manufacturing Company by an act approved January 15, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton.

Which was read a first time, and passed to a second reading.

Mr. McClure, chairman of the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred bill No. 97 of the House, entitled an act amendatory of the second section of an act for the incorporation of cities, approved June 18th, 1852, and for a more economical method of ascertaining the population of such cities preparatory to the adoption of the provisions of the act herein mentioned, have had the same under consideration, and directed me to report it back to the House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. McClure, chairman of the committee on Corporations, made the following report, from a majority of said committee:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred joint resolution No. 4, of the Senate, a joint resolution in regard to a right of way have considered the same and directed me to report it back without amendment to the House, and recommend its passage.

When,

On motion by Mr. McDonald of Lake,

The report and joint resolution were laid on the table.

Mr. Maxfield, from the committee on Corporations, made the following minority report:

MR. SPEAKER:

The undersigned a minority of the committee on Corporations, to whom was referred the joint resolution, relating to the grant of the right of way to the New Albany and Salem railroad company, from Lafayette to Michigan City, and from thence west to the Illinois State line, over the public domain, would respectfully report that in consequence of the location of the New Albany and Salem railroad, never having been defined in any legislative charter farther north than the town of Salem, it would be unwise and impolitic upon the part of the Legislature at this time, to recognize the right of that company, to construct their road between any other points than those specially defined in their charter. By adopting this resolution without modification, the Legislature affirms the right of said company to construct their road from Lafayette to Michigan City, and from thence westward to the State line. The impolicy as well as injustice of this course will appear manifest, when it is considered that the right of the New Albany and Salem railroad company is now in litigation in our courts. Will the Legislature therefore, by a recognition of the right of said company to construct their road between Michigan City and the State line, give a construction to the charter of said company, which shall forestall the decision of said courts upon the rights in controversy? Independent of the rights of parties litigant before our courts of justice, the recognition of the right contemplated in said resolution, is against public policy, and subversive of the interests of the State. It will be recollected that the charter to said company is to construct a railroad from New Albany to Salem, "and to such other point or points as they may deem expedient." Now it may be taken for granted, that if said company under this charter to construct a railroad for a short distance in the southern part of this State, have the right to build a road from Michigan City to the State line, they have the right under that charter to build a road any where in the State, to practically abrogate and nullify the general railroad law, by attaching to every railroad they may choose to build, the privileges and immunities appertaining to their special charter, and to compete with and impair the value of every railroad in the State, built under a special charter.

Indiana from her position, as midway between the great west and the Atlantic seaboard, and from her own necessities in developing her gigantic resources, will in a short time be traversed with railroads in every direction. She will emphatically become girt with iron, and the portage over which the productions of the yet undeveloped west will seek a market. In this point of view it is impolitic to recognize the assumption of said company, that they have a right to construct railroads wherever they please under their said special charter, as such recognition would place the future destiny of our State in the hands of a single corporation. How would it be exercised? let the



experience of the past, where large corporate powers have been bestowed, answer! The minority of said committee has no objection to the grant of the right of way to said company wherever they may construct their railroad, and would recommend the passage of said joint resolution with the following amendment, viz:

Strike out the words "from Lafayette to Michigan City, and from thence to the Illinois State line," and insert the following words: "wherever said company may construct their said road." With this amendment the Legislature does not affirm, (as they ought not,) that said company have the right, under their said charter, to build a road from Michigan City to the State line, nor do they impair in the least, the force of the resolution for all its legitimate purposes. In it, as amended, Congress is distinctly called upon to grant to the New Albany and Salem railroad company the right of way over the public domain wherever they may construct their road. More, modesty should forbid to ask. If the right of way is all that is desired, it is fully given by the amendment. If any thing more is asked, it ought to be refused.

When,

On motion by Mr. McDonald of Lake,

The report was laid on the table.

On motion by Mr. McDonald of Lake,

The majority report and joint resolution of the Senate No. 4, was taken from the table, and the joint resolution ordered to a third reading.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House.

No. 52. A bill to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.

Without amendment.

Mr. Thomas, chairman of the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have compared enrolled bills Nos. 52, 45, 53, 65 and 69, and joint resolution No. 15, with the engrossed copies thereof, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Chapin, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval enrolled bills of the House numbered 52, 45, 53, 65 and 69, and joint resolution No. 15.

On motion by Mr. Shuman,  
The House adjourned.

2 o'clock, P. M.

House met.

The Speaker laid before the House the following communication from Messrs. Winchell and Nichols.

INDIANAPOLIS, FEBRUARY 7, 1853.

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

DEAR SIR:—We desire to present to the honorable body over whose councils you preside, a specimen of the wares manufactured by the American Porcelain Company of Green Point, N. Y. Not doubting that any evidence of American enterprise and skill will be regarded with favor by yourself and associates, we have therefore prepared the accompanying inkstand, which we trust the House of Representatives of Indiana will accept as a token of respect, from

Your obedient servants,

WINCHELL & NICHOLS.

Mr. Chapin, chairman of the committee on Banks, made the following report:

MR. SPEAKER:

In accordance with a resolution of the House, requiring the committee on Banks to report a bill on Monday, beg leave to report

No. 110. A bill to amend the 5th, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, and to require banks heretofore organized, and which have commenced operations under the said act, to comply with the provisions of this act.

Which was read a first time, and passed to a second reading.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred that portion of the Governor's message in relation to betting on elections, have had the same under consideration, and directed me to report

No. III. A bill to prevent the betting upon elections, and to punish offenders therefor.

Which was read a first time.

Mr. McDonald of Lake moved to reject the bill.

The question being put;

The ayes and noes were demanded by Messrs. Dufour and Greene.

*Those who voted in the affirmative were,*

Messrs. Able, Catlin, Chapin, Druley, Dunlavey, Durham, Farnsley, Gootee, Graham, Hooper, Johnson, Jones of Boone, Jones of Jennings, Laird, Lemmon, McCormick, McClure, McDonald of Lake, McKinney, Read, Rockafellar, Seawright, Shelby, Stackhouse, Sutton, Taber, Turpie and Walker of Laporte—28.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Cooper, Donald, Donelson, Dufour, Emery, Ferris, Ferguson, Fleming, Gentry, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Howell, Hunt, Jennings, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McDonnall of Sullivan, Milroy, Moss, Orr, Parker, Pekcenpaugh, Pratt, Price, Richardson, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Stockwell, Struble, Thomas, Tanner, Underwood, Walker of Rush, Work, Yount and Mr. Speaker—62.

So the bill was not rejected, and passed to a second reading.

A message from the Governor, by Mr. King, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor, to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 35. An act to provide for annual reports of State officers,

branches of the State Bank, and benevolent institutions, to be made to the Governor.

No. 43. An act to fix the time of holding courts in the ninth judicial circuit, and the length of terms.

No. 15. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act for the relief of John Lindsey and James Elliott.

No. 45. An act to amend an act entitled an act touching official bonds and oaths, approved June 9, 1852.

No. 53. An act amendatory of the sixth section of an act entitled an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, approved May 27, 1852, and to authorize allowances to poor persons in certain cases.

No. 65. An act to amend an act entitled an act in relation to county treasurers, approved June 4, 1852.

No. 69. An act to amend an act entitled an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned, approved June 17, 1852.

No. 52. An act to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and defining their duties, approved June 11, 1852.

Which bills originated in the House of Representatives.

Mr. Howell, chairman of the committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee on County and Township Business, to which was referred Senate bill No. 21, an act providing a uniform system for establishing county lines, and locating permanently the corners thereof, have directed me to report the same back without amendment and recommend its passage, and ask to be discharged from the further consideration of the same.

The report was concurred in and the bill ordered to a third reading.

Mr. Howell, chairman of the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on County and Township business, to whom was referred a resolution of the House instructing them to inquire into the expediency of so amending section 12 of an act entitled "an act for

the more uniform mode of doing township business," approved May 6, 1852, that the township trustees shall not have power to change the place of holding elections without a vote of the citizens of the township in favor of such change, have had that subject under consideration, and directed me to report that it is inexpedient to legislate on the subject; and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Howell, chairman of the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on County and Township business, to whom was referred a resolution of the House instructing them to inquire into the expediency of so changing that portion of an act prescribing the powers and duties of coroners, approved May 27, 1852, so as to make it the duty of the jury to call for a surgeon when necessary, and not otherwise, unless the jury is divided in opinion upon the case submitted to them, have had the subject under consideration, and directed me to report that in the opinion of your committee it is inexpedient to legislate on the subject; and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Orr, from the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on County and Township business, to whom was referred resolution of the House No. 37, requesting said committee to inquire into the expediency of electing all township officers for the term of two years, have had the same under consideration, and have directed me to report

No. 112. A bill to amend the fifth section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852;

Which was read a first time and passed to a second reading.

Mr. Service, from the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on County and Township business, to whom was referred House bill No. 90, "an act for the more uniform mode of doing township business," approved May 6, 1852, have had the same

under consideration, and have directed me to report it back to the House with the following amendments:

Amend the title to read as follows: "An act to amend the 19th section of an act entitled 'an act for the more uniform mode of doing township business,'" approved May 6th, 1852.

Also, amend by striking out "Sec. 19," and inserting "Sec. 2."

After the adoption of the above amendments the committee recommend its passage.

The amendment was adopted, and the bill ordered to be engrossed.

Mr. Dufour, from the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on County and Township business, to which was referred House bill No. 32, "providing for the more uniform mode of doing township business," have had the same under consideration, and have directed me to report the same back, and recommend that the same be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Dufour, from the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on County and Township business, to which was referred House bill No. 95, entitled "an act to authorize and empower township clerks and trustees to administer oaths when required in doing township business," have considered the same, and directed me to state that said bill was reported from this committee. They therefore report the same back, and respectfully recommend the passage of the bill.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Dufour, from the committee on County and Township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to which was referred a resolution of the House instructing said committee to inquire into the expediency of providing by law for furnishing each common school library in the State with certain books therein named, have had the same under consideration and have directed me to report

No. 113. A bill to provide each common school library in the State with certain books therein named.

Which was read a first time and passed to a second reading.

Mr. Donelson, from the committee on Federal Relations, made the following report:

MR. SPEAKER:

The committee on Federal Relations, to whom was referred Senate joint resolution No. 6, upon the subject of connecting Lake Ontario and Lake Erie by the construction of a ship canal around the falls of Niagara, have had the same under consideration, and a majority of the committee have directed me to report the same back and recommend its passage.

The report was concurred in and the joint resolution ordered to a third reading.

Mr. Buell, from a select committee, made the following majority report:

MR. SPEAKER:

The undersigned, a majority of the select committee to which was referred the following resolution:

*Resolved*, That a select committee of three be appointed whose duty it shall be to inquire into the expediency of reporting a bill letting the public printing for the next four years to the lowest bidder, giving ample security for its proper and prompt execution,

Submit the following report:

From the organization of the State government up to the year 1837, the public printing had been executed by contract. The passage of the internal improvement act, and the act organizing a State Bank had greatly increased the amount of printing. The Legislature of that year passed a law providing for the election of a State Printer to each branch of the General Assembly, and establishing the price of printing as follows: 62½ cents per 1000 ems plain work; 93¾ cents figure work, and \$1.25 rule and figure work. Other work in proportion. See local laws of 1837, page 441. At the session of 1840 and '41, the present law in relation to the election of public printer was passed, and Messrs. Cole & Dowling were elected. The proposition to reduce the prices to the present rates was made by Mr. Henley, then a Representative from the county of Clark. This proposition was opposed by Mr. Defrees, a practical printer, then a Representative from the county of St. Joseph, and Mr. Dowling, a practical printer, then representing the county of Vigo. A select committee composed of Messrs. Houghton, Chiles and Terrell reported in favor of increasing the prices.

At the session of 1846-7 the subject of reducing the price of public printing was again brought before the General Assembly. A bill passed the Senate to let the printing to the lowest bidder. In the

House this bill was referred to a select committee composed of Messrs. John Dowling, Wm. Stewart of Fayette, and C. I. Battell, the two former practical printers. This committee submitted the following report, which your committee, on account of its forcible arguments, beg leave to incorporate as part of their report:

The select committee to which was referred Senate bill No. 39, to authorize the letting of the public printing to the lowest bidder, respectfully report: That they have had the bill under consideration, and feel constrained to report against any change in the present law, "to provide for the election of public printer, and defining his duties," as inexpedient and impolitic. The public printing, when executed by "contract," never, so far as the committee can discover, effected so great a saving to the State as the law of 1841, which, with a few exceptions, is the same as that which may be found in the Revised Statutes of 1843. That law reduced the price paid for the public printing from 65 to 45 cents per "thousand ems," and per token of 250 "pulls" or sheets, (on *one* side.) This, in itself, was an immense saving; but the law further provides that the documents ordered *simultaneously* by both Houses, instead of being charged against the State twice, and (as was sometimes the case,) *three* times, for composition in "setting up," should be paid for only *once*. This feature of the law of 1841, providing for the election of a State Printer, and *uniting* the work of *both* Houses together in a single contract, was much more important, in an economical point of view, than even the reduction in the price paid for composition and press-work, great as that certainly was. Previous to the passage of that law, double and treble composition, (under the practice which had obtained from the organization of the State Government,) had been generally charged for hundreds of pages of the documentary journal, and of other documents and reports ordered *simultaneously* by both branches of the Legislature. That the price paid for the public printing of Indiana is not exorbitantly high, every practical printer well knows; and is clearly proved by the letter of Mr. J. P. Chapman, State Printer, lately addressed to this House, in reply to a resolution of inquiry. A copy of this letter is annexed, and made a part of this report. Mr. Chapman is not only a good printer, but has had great practical experience in the business, both in the east and west. His very pointed and apposite remarks, being the results of long experience, should receive the serious attention of those members not acquainted with the practical details of the "art preservative of all arts."

Your committee, in order to ascertain the relative prices paid for public printing in this State, and the adjoining States of Illinois and Kentucky, consulted the laws of those States in the Library, and the following is the result of the comparison:

	Indiana.	Illinois.	Kentucky.
Composition, plain work, per 1000 ems,	45	56 $\frac{1}{4}$	60 cents.
Composition, figure work, per 1000 ems,	65	84	90 cents.



	Indiana.	Illinois.	Kentucky.
Composition, rule & fig. work, per 1000 ems,	80	112½	100 cents.
Press work, per token of 250 "pulls,"	45	56½	75 cents.

This, at one glance, will show that our State printing is done on better terms than in either the States named. This is not all. Where a document is ordered *simultaneously* by both branches of the Legislature of those States, double and sometimes treble, composition is charged by their public printers, on the ground that it is an "accidental advantage," which properly enures to their benefit; but which valuable perquisite, under the judicious provisions of our State printing law, is expressly denied to our printer.

There is another consideration connected with this matter, that should not be altogether overlooked in legislating with reference to it. We allude to the effect which past experience proves a ruinous competition among employers, under the "contract" system, would inevitably have, in *reducing the wages of journeymen*, already too low. During the period in which the printing was let out to the lowest bidder, (there being then few printing offices at the seat of government prepared to execute the work,) the proprietors, finding it more convenient and profitable, generally had an understanding, and, putting in bids at fair living, if not high prices, divided the work among themselves. This they deemed better than to resort to a ruinous system of underbidding, productive of ruin alike to the employer and the employed. On one occasion, however, in 1830 or '31, the proprietors of a newspaper printed at this place proposed to contract for executing the printing at twenty-five cents per one thousand ems and token. These prices were nothing more than journeymen's wages. How then could the contractor expect to live up to them, without resorting to that system of stealing so felicitously hinted at in the annexed letter of the State Printer, or, what is equally bad, without *cheating* his workmen, or screwing their wages down to the starving point!

As has been already shown, the prices paid for legislative printing in this State, are very much lower than what is paid in Illinois and Kentucky, and are not higher than what are generally paid for ordinary printing. There are cogent and obvious reasons, however, why a more liberal price should be paid for legislative than for private printing. In order to meet the just expectations of the legislature, and to prevent the possibility of *delay* in executing printing ordered for its action, the contractor is obliged to make a very heavy outlay in the purchase of materials. As the printing has to be all executed within a limited period, it is plain, from the very nature of things, that in a small place like Indianapolis, where very little other printing is done, their materials must lie unproductive in the hands of the printer during the largest portion of the year. There is another consideration which tends to increase the expense of State printing in this place. Being a small town, the number of resident printers is seldom sufficient to meet the extra demand during the

sessions of the General Assembly. In order therefore to present inducements to workmen to leave their distant homes and incur the expense of going to and returning from the seat of government, the State Printer must necessarily pay higher wages than is common in country offices. For it is one of the immutable laws governing wages, that *casual* jobs, of short and uncertain duration, should and must be paid for more liberally than those which afford steady employment the year round. From the very nature of legislative printing, the printer, (without the power of knowing whether the work to be ordered will be sufficient to justify it or not,) must constantly keep in his office a force sufficient to meet any emergency. If he employs that force by the job, he must pay them liberal wages; and if by the week, and the orders for printing are not sufficient to keep his hands employed, what is the consequence? He may, perhaps, have to pay weekly wages to hands who have not more than half enough of work to keep them employed. Every one at all conversant with the nature of congressional or legislative printing, knows that such short-comings are by no means uncommon. The legislature, also, not unfrequently orders a document to be printed with great dispatch, and by a limited time; and, in that event, the printer may find himself compelled to incur a most onerous expense, in the shape of extra pay for night work, &c. It is vain to say it can be avoided. There are times when, unless it is resorted to, the entire legislature may be kept waiting the motions of the public printer, at an immense daily expense to the public treasury.

In executing ordinary printing, the employer runs no such risks, and labors under no such disadvantages as those above enumerated. He works at his leisure; and, if wages are too high, and he thinks it is his interest to do so, he can delay operations until he can find hands willing to toil at such wages as his avarice or necessities may dictate; or until he gets time to fill his office with half-taught apprentices, and what is technically denominated "rats." The public printer is compelled to act promptly; the nature of his work admits no delays for better bargains or more propitious times.

In conclusion, the committee cannot too strongly reprobate and condemn the miserable disposition prevalent among legislators to change laws, without reference to their merits, in order to subserve the real or imaginary interests of party minorities or majorities. It is a prolific source of mischief, and one of the greatest evils of our legislation. It is too often the case, that the very law which a majority are the foremost to uphold and advocate as long as they are a majority, and can profit by its provisions, suddenly become an abomination in their eyes the moment their relative position is reversed. It is this that has alternately produced the enactment, the alteration, the violation or the repeal, of almost every law on our statute books involving the least patronage. It is this (to use the language of Washington), that has made "the public administration the mirrors of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested

by common councils, and modified by mutual interests." If laws are to be repealed every time they enure to the advantage of a particular party, is it not natural that other parties, following the example, will attempt to do the same thing under similar circumstances? Consequently, on the long run, neither party gains by the practice. Those who lose patronage by the provisions of a law one year, may be gainers by them the next; and hence, in every point of view, stability in our laws is the highest interest of all. The existing law on the subject of the State Printing has been found to work well: at least, no just complaints have been made against it. Is it not, therefore, impolitic to change it for a new "experiment," under the ostensible but delusive plea of increased "economy" in the public expenditure? All experience proves that true economy is best consulted, by adopting the happy medium of paying the servants of the State a fair and just remuneration for their services, avoiding the extremes of parsimony on the one hand, and of extravagance on the other.

Although two of the committee are practical printers, and might be supposed to be well acquainted with the bearings and consequences of the proposition, they cannot, in any view of the case, recommend the proposed change in the manner of disposing of the public printing; and the committee therefore recommend that the bill be indefinitely postponed.

JOHN DOWLING,  
WM. STEWART,  
CHAS. I. BALLETT.

The following is the letter of J. P. CHAPMAN, referred to in the above report:

HON. R. N. CARNAN,

*Speaker of the House of Representatives:*

"In reply to a resolution of the House, that the Public Printer be, and he is hereby requested to report to this House, at the earliest period, whether or not, in his opinion, the amount allowed now by law for the public printing, is or is not more than a reasonable and just compensation for said services, and if so, what particular reduction may be made;" the undersigned would respectfully refer to his reply to a similar resolution of the Senate, that in his opinion the prices for the public printing as now fixed by law, are not higher than they ought to be, to justify any competent person to undertake the work.

Among the reasons for this conclusion, he would respectfully suggest the following:

First. That the prices are a fraction less than those generally charged by the printing houses in the eastern cities for ordinary book printing.

Second. That in proportion to the amount of work done, the State Printer, owing to the peculiarity of the work, is compelled to

invest a much larger sum in *material* than would otherwise be necessary.

Third. The conditions and requirements of the office. Ten thousand dollar bonds are given by the present printer for the faithful execution of the work. He is bound by law to complete the printing of each session within sixty days from the time of its adjournment. When this condition was imposed, it was fixed in contemplation of the fact, that the session had usually lasted three months or thereabouts. Since that time, and during the whole term of the present printer, the sessions have been curtailed to a period of about seven weeks. His "days of grace" consequently have been cut short six weeks, though the amount of printing has been but little, if any, diminished. It must be apparent to all gentlemen of reflection, and to practical printers especially, that the only alternative for the public printer was to make a greater outlay for *material*, in order to the employment of a greater number of workmen, than would have been required under longer sessions; and to keep workmen employed during the night, as well as day time, at an extra expense. The undersigned does not think it likely, that the State Printer will very soon be relieved of the burthens thus imposed, by the recurrence of long sessions instead of short ones.

Fourth. So far as the undersigned has been able to learn, the prices allowed for public printing in Indiana, are as low, and in most cases lower, than those paid by any other State; and not much more than *one-third* the price paid for Congress printing under the act of 1819. But little of our printing comes under the category of what is technically denominated "*fat.*" But few bills are printed, which is one of the most profitable kinds.

It will be conceded that the "laborer is worthy of his hire." And the undersigned most respectfully suggests, that the true mode of making laborers faithful and honest, is to provide for them a fair remuneration. To borrow the idea of a late distinguished member of the Senatorial body, "if public officers are not paid a fair and reasonable salary, they *will steal it.*" Whether this be entirely true or not it would seem to be the part of wisdom, not to lead men into such temptation.

"The prices now allowed for the public printing in this State are much less than those allowed at former periods. The difference is as 65 to 45 cents for the same work. Yet, it is a fact, which tells very strongly of the risks of the business, or the improvidence of those who performed the work, that even under the highest prices and most favorable conditions, every man, with perhaps a single exception, who has done the public printing of the State of Indiana, since its existence, *was poorer when he ended than when he began the work*; and one of them, at least, only obtained relief from the liabilities which he incurred while he was the State Printer, by the sponging process of the bankrupt act of 1841.

"The undersigned regrets that he is compelled in duty to your

honorable body, thus to speak of a subject in which it may be supposed his opinion will be liable to be influenced by self-interest. He has endeavored to divest himself of any such bias; and has written this reply in full view of the great probability that his present contract with the State for the execution of the printing is not likely to be immediately renewed.

Respectfully submitted,

J. P. CHAPMAN."

The bill was then, on motion of Mr. Meredith of Wayne county, indefinitely postponed by nearly a party vote, and John D. Defrees was elected State Printer. In 1850 the subject was again brought before the Legislature by a communication from John R. Elder, which was referred to the committee of Ways and Means. Mr. Mickle, the chairman, addressed notes to several practical printers then in the city, and they all replied that the prices were not too high; and we here beg leave to introduce the letters of Thomas Dowling, John D. Defrees, Editor of the State Journal, and W. Millikan, Editor of the Laporte Whig.

INDIANAPOLIS, Jan. 7, 1850.

DEAR SIR:—The communication of the secretary of the committee of Ways and Means has this moment been received, and I reply without delay. I am asked if, in my opinion, "the prices paid for the public printing is or is not too high, and if too high, in what particular or particulars?" My reply is, I do not think the prices paid too high, and could give many reasons for that opinion, were it proper to do so under the call made upon me.

I may be allowed to add, however, that as a practical printer, conversant with the present law regulating the public printing, it is my deliberate opinion, that no material reduction could be made in the prices paid, without endangering the pecuniary standing of both the public printer and those employed by him to perform the labor. The past experience on the subject satisfies me that a reduction would only reach those who labor, while any apparent saving would be lost to the State by the adoption of a system of less efficiency than the present.

Since the adoption of the present law in 1840, there has been an evident improvement in the manner of executing the public printing, and this has been a matter of pride to all who take an interest in the progress of our State in the mechanic arts. While our legislation in too many cases tend to extravagance in public expenditures, economy is at all times desirable, but I doubt the policy or justice of reducing the wages of labor below a fair living and remunerative price, or of encouraging a system of underbidding at war with all notions of justice to the employed. I am clearly of opinion that the prices now paid the public printer are not too high,

and that no change could be made without doing injustice to a large, numerous, and highly respectable body of operators whose wages will be regulated by the prices for public printing.'

Very respectfully yours,

THOMAS DOWLING.

S. S. MICKLE, *Chairman of Committee of Ways and Means.*

REPRESENTATIVES HALL, Jan. 8, 1850.

B. F. WALLACE, Esq.,

*Clerk Committee of Ways and Means:*

DEAR SIR:—I am requested by the committee of Ways and Means, through you, to state in writing, whether in my opinion, the price now paid for the public printing, is or is not too high, &c.

In reply, sir, you will please inform the committee, by handing them this note, that I have examined the prices now allowed by law for the public printing, and in my opinion as a printer, the prices of the work are not too high in any particular, and to make them lower would only reduce the printer to the necessity of executing the work in an indifferent style.

Respectfully,

W. MILLIKAN.

INDIANAPOLIS Jan. 8, 1850.

HON. S. S. MICKLE:

I received your note inquiring in relation to the price paid for public printing. In reply, in my opinion the prices now paid by law, are a fair remuneration for the labor and capital employed, and no more.

Yours &c.,

JOHN D. DEFREES.

At the time Mr. Defrees made the above communication, he was executing the public printing on a steam power press, and was fully aware of all the advantages to be derived from steam power. The application of steam only applies to press work, whilst the great amount of labor in a printing office, is performed by the compositors who set the type. In this branch of the business there has been no improvement. Every type has to be set by hand without the aid of modern invention. A hand press costs not more than two hundred dollars, whilst a power press and steam engine costs at least two thousand dollars. A steam power press enables a printer to execute press work cheaper than the old system, yet it requires a much larger outlay of capital. Your committee have examined the prices paid in other States, and find that the present prices fixed by the law of Indiana, in 1840-41, is less than the average prices paid by the different States, and considerably less than the prices paid to the congressional printer, who invariably charges double composition for the same

document, when printed by the Senate and the House. The law of Indiana requires all bills to be printed close, without leads, and prohibits charges for double composition in any case, a provision by which the State has saved thousands.

Your committee, in view of these facts, and the fact that the price of printing has remained unchanged since 1841 thinks it would be unjust, at this time, when the prices of living has increased to nearly double, to reduce the price of printing, which must result in compelling the printer to reduce the wages of his journeymen, or suffer a loss on the State work.

The contract system has proved a total failure wherever it has been tested. Congress tried it and was compelled to abandon the system and allow remuneration to the contractors, and resort to the old plan of electing a public printer. Pennsylvania is heartily sick of the contract system, and is now about to abandon it.

Ohio has the contract system, and all now admit that it works badly. The work is let to different persons. The contractor for printing the bills, resides in, and has his office in Cleveland, where all the bills have to be sent to be printed. The following is an extract from a letter from Philadelphia, showing the working of the contract system in that State.

"Our State work is given out by contract, and is now done for 7 cents and 4 mills per thousand ems. The press-work is the same. The contractor furnishes all the blanks used by the public officers, and is allowed one dollar a quire for them, yeas and nays and almost everything you can think of he calls blanks. Last spring he charged 1,500 dollars for printing the title page to the laws on colored paper, designed for covers, which I think should have been at 7 cents 4 mills per token. He, however, called them blanks, and was paid for them as such. The blanks under this contract amount to nearly \$6,000 annually." In this instance, the contractor does the heavy work for one-fourth the amount paid usually to journeymen, but to make up his loss, he charged twenty dollars a ream or one dollar a quire for printing blanks, when they were not worth more than three dollars a ream, and then cheated the State by charging everything as blanks until he increased the aggregate price of printing above the prices Indiana.

Your committee deem further arguments unnecessary. The amount of printing for the next three years will be very small compared with what it has been in years past, when there were annual sessions of the General Assembly and a great amount of local legislation. They therefore recommend that no change be made in the existing law, and ask to be discharged from the further consideration of the subject.

On motion by Mr. Maxfield,

The report was laid on the table.

Mr. Laird from the same select committee made the following minority report:

## MR. SPEAKER:

The undersigned, a member of the select committee of three, to whom was referred two resolutions of inquiry as to the expediency of abolishing the office of State Printer, and letting out the public printing for the next four years to the lowest bidder, requiring ample security for its prompt and proper execution, beg leave to make the following minority report.

That the present prices paid for State Printing, according to the act of 1843, now in force, is as follows:

For composition, plain matter, per 1,000 ems.....	45 cents.
“ composition, figure work, per 1,000 ems.....	65 “
“ composition, rule and figure work, per 1,000 ems.....	80 “
“ Press-work, per token, common forms .....	45 “
“ Press-work, per token, broad sides.....	60 “
“ folding reports and bills, per 1,000.....	12½ “
“ stitching reports and bills, per 100.....	25 “

The amount paid for public printing during the last year, ending on the 31st day of October, 1852, was fourteen thousand eight hundred and eighty-eight dollars and eleven cents, which does not include the cost of printing the Revised Statutes of 1852.

The chairman of your committee addressed a note to Austin H. Brown, of the Indiana State Sentinel, John D. Defrees, of the Indiana State Journal, Messrs. Elder & Harkness, of the Locomotive, and to Messrs. Ellis & Spann, of the Statesman; also, to the publishers of the Lawrenceburgh Register, Lafayette Courier, Madison Banner and Terre Haute Journal, propounding the following inquiries:

Please state in answer, whether you are willing to do the public printing at anything less than the prices now allowed by law? If so, please to state at what price you are willing to undertake to do the public printing for the next four years from the first day of August, 1853, at which time the term of the present incumbent expires,—giving ample security for its prompt and proper execution?

From Austin H. Brown was received the answer herewith filed, marked (A.) as part of this report. From John D. Defrees was received the answer herewith filed and marked (B.) as part of this report. From Messrs. Elder & Harkness, of the Locomotive, was received the answer herewith filed and marked (C.) as a part of this report. From Messrs. Ellis & Spann was received the answer herewith filed and marked (D.) as a part of this report. From Crail & Woollen, of the Madison Banner, was received the answer herewith filed marked (E.) as part of this report. From Wm. E. McLean, of the Terre Haute Journal, was received the answer herewith filed marked (F.) as a part of this report.

The undersigned, having taken some pains to collect the facts herewith submitted, and make calculation of the cost of the public printing for the next four years, is clearly of the opinion that from



three to five thousand dollars would be saved to the State annually, by abolishing the office of State Printer, and letting the public printing out to the lowest bidder.

D. T. LAIRD.

(A.)

STATE SENTINEL OFFICE, }  
INDIANAPOLIS, Jan. 15, 1853. }

HON. DAVID T. LAIRD,

*Chairman of Select Committee House of Representatives:*

SIR:—In answer to your note, handed me yesterday, I have to inform you that, *under no circumstances*, would I be willing to execute the public printing at less rates than those now established by law. The present prices are only a fair remuneration for the labor and capital employed; and lesser rates will not enable the State Printer to execute the public work in a satisfactory manner.

In my opinion, no reduction should be made for the following reasons:

*First.*—At the time the present prices were fixed, (1841,) it was considered by all practical printers as a great reduction from the previous rates.

*Second.*—The prices of labor and produce are more than twenty-five per cent. higher than when those prices were established.

*Third.*—The sessions of the General Assembly are now held biennially, and the materials used exclusively for State work, lie entirely idle for eighteen months of every two years. The cost of these materials, at the lowest estimate, amounts to over \$5,000.

*Fourth.*—Three-fourths of the public printing consists of *composition*, or type setting, and this branch of the art is yet done, and will continue for years to be done by hand power alone.

*Fifth.*—The additional capital required to do press-work by steam power, instead of hand power, is so great that the actual cost of press-work is not materially lessened. Press-work is performed by printing machines with great despatch; and where so great an amount of work is required as has been done by the State Printer in the last year, in printing fifteen thousand copies of the Revised Statutes, press-work by steam is profitable. But such an amount of work will not be required by the State in any one year, for, perhaps, a quarter of a century to come.

*Sixth.*—No one can execute the State printing below the present prices, without reducing the wages of journeymen printers. Any guarantee that may be given to pursue a different course, will be as mere ropes of sand. Self-defense will compel the public printer to cut down the wages of his employees.

*Seventh.*—Because the present prices are much lower than those paid by any other State in the Union.

Very respectfully, yours, &c.,

AUSTIN H. BROWN.

(B.)

STATE JOURNAL OFFICE, }  
 INDIANAPOLIS, Jan. 14, 1853. }

DEAR SIR:—In reply to your note of this day, I say that I will engage to do the public printing for the State for the next four years at the following prices, to-wit:

For composition, plain matter, 30 cents per 1000 ems.

For rule and figure work, 60 cents per 1000 ems.

For rule work, at 45 cents per 1000 ems.

Press-work, at 25 cents per token for every 8 pages of the present size of State work, and 40 cents for press-work on broad side.

I will give any amount of security, and will also bind myself to give journeymen printers the present prices for work. In justice to myself, in relation to public printing, as several years ago I stated that the present price is a fair one. I beg leave to say that such is now my facilities for printing, that I can make good wages at the above prices. Steam and Adams' press enables work to be done low. I am now printing the Revised Code for the State Printer at a price satisfactory to me, and by which he makes fifty cents profit on every token.

Yours,

HON. D. T. LAIRD.

JNO. D. DEFREES.

(C.)

INDIANAPOLIS, January 15, 1853.

MR. D. T. LAIRD,

*Chairman of Select Committee on Printing:*

DEAR SIR:—We would state, in answer to your inquiries of January 14, that we would be willing to do the public printing *for less* than the prices now paid by law.

You ask us to "state at what price you will undertake to do the public printing for the next four years from the first day of August, 1853, at which time the term of the present incumbent expires, giving ample security for its prompt and proper execution."

We would reply that we would be willing to do the public printing for the next four years for 20 per cent. less than the present prices, and give bond for double the probable amount of the work, for its prompt and faithful execution, in a workman-like manner. The present prices for plain composition is 45 cents per 1000 ems; we would do it for 36 cents per 1000 ems. The present price for press-work per token, is 45 cents; we would do it for 36 cents per token, and make good profits at that price.

We would state that we have the latest and best improvements for doing good work, and are fully prepared to do all the work the State would have to do, in style equal to the Revised Statutes of 1853.

We will take pleasure in answering any further inquiries you may make.

Most respectfully,

ELDER & HARKNESS.

(D.)

INDIANAPOLIS, Jan. 17, 1853.

HON. DAVID T. LAIRD,

*Chairman Committee on Public Printing.*

SIR:—Your favor of this date, inquiring whether we are “willing to do the public printing at anything less than the prices now allowed by law,” and if so, at what price, after the expiration of the term of service of the present incumbent, has been received, and we have the honor to reply.

1. The Legislature, on the 12th inst., selected an individual to execute the public printing for three years from the 1st day of August next. This election, according to the law under which it was held, in our judgment, vests in that individual the absolute *right* to execute the public printing, at the prices named in the law, for three years. It is a sacred and binding *contract*, with which the Legislature cannot now rightfully interfere.

2. Under the present system of biennial sessions of the Legislature, the amount of printing to be done will be greatly less than heretofore; and considering the increased price of journeymen's wages, as well as of nearly all the necessities of life, we do not think the prices now paid too high. Therefore, even if the printing was open to honorable competition, we do not think any one ought to undertake to do it at reduced rates. We certainly would not.

Very respectfully,

ELLIS &amp; SPANN.

(E.)

BANNER OFFICE, }  
 Madison, Jan. 22, 1853. }

DAVID T. LAIRD,

*Chairman Select Com. on Printing, Indianapolis, Ind.*

DEAR SIR:—Yours of the 19th inst. is before us. The public printing can be executed at less figures than those fixed by law; but, we do not think it necessary to make a bid or proposition for it, as we are convinced that the Legislature would not permit us to do it, even if we were to obligate ourselves to execute it at two-thirds the price fixed by law. We imagine the only effect a bid from us would have, would be to cut down the price which the State Printer will receive for his labor. This we do not choose to do, as we do not like the principle of cutting down prices merely for the purpose of compelling some other person to work lower than the regular rates.

If the Legislature will pass a law letting out the State printing to the lowest bidder, we will make a proposition for it.

Respectfully,

CRAIL & WOOLLEN.

(F.)

TERRE HAUTE, }  
Journal Office, Jan. 22, 1853. }

HON. DAVID T. LAIRD:

DEAR SIR:—Yours of the 19th inst. is received. Although I am at a loss to divine the object of your interrogatories after the election of a State Printer, I shall nevertheless answer them. I will inform you that we could afford to execute the public printing for 20 per cent. less than the prices specified, section 63, page 170, Revised Code '43.

We would give a security of ten thousand dollars for the prompt and proper execution of the work.

Yours, &c.,

WM. E. McLEAN,  
Editor T. H. Journal.

HON. D. T. LAIRD, *Chairman Select Com. Public Printing.*

Mr. Freeland moved that neither of the two last reports be spread upon the journal.

Which was not agreed to.

Mr. Orr, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Adam Sheller and seventy-seven others of Delaware county, praying for the relief of Henry Pettenger of said county, have had the same under consideration and have directed me to report

No. 114. A bill for the relief of Henry Pettenger of Delaware county, and prescribing the duties of the Auditor of said county in relation thereto;

Which was read a first time and passed to a second reading.

Mr. Able, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 100, which bill proposed to change the time of holding the courts of common

pleas in the counties of Spencer, Perry and Dubois, have had the same under consideration, and a majority of said committee have directed me to report the same to be inexpedient, and ask to be discharged from the further consideration thereof.

Mr. Laird moved to lay the report on the table;

Which was disagreed to.

And the question being on concurring in the report and indefinitely postponing the bill,

It was decided in the affirmative.

#### RESOLUTIONS.

Mr. Shelby offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the judges of the courts of common pleas, and report by bill or otherwise.

Which was not adopted.

Mr. Lines offered the following preamble and resolution:

**WHEREAS**, It is believed that it would be calculated greatly to advance the general welfare of the Deaf and Dumb now in, or which may hereafter come into the Deaf and Dumb Institution of this State to be taught the different arts which enable us to procure a sustenance, that they may thereby do likewise, be it therefore,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the propriety of furnishing said institution with all the necessities to carry on said arts in said institution for the benefit of said institution, and the inmates of said institution.

Which was adopted.

Mr. Maxfield offered the following preamble and resolution:

**WHEREAS**, The Union Plank Road Company of Laporte county, have issued a large amount of bills, purporting to be bank bills, and,

**WHEREAS**, Such bills form the general circulating medium of a portion of the north part of the State, and,

**WHEREAS**, The people of that section of the State are desirous of knowing what basis exists in said company for the redemption of said bill, therefore be it

*Resolved*, That the judiciary committee be instructed to inquire into the legality of this paper circulation of said company, and to report to this House at as early a day as possible, the authority for such issues, their opinion of the legality of the same, what security

there is for the bill holder, and what remedy the State in the premises.

Which was adopted.

On motion by Mr. Underwood,

*Resolved*, That the committee of Ways and Means be directed to inquire into the expediency of repealing the proviso to the law regulating the fees of county auditors found on page 286 vol. 1st, Revised Statutes, also the proviso to the law regulating the fees of county treasurers on page 287 same volume, and report by bill or otherwise.

Mr. Maxfield offered the following preamble and resolution:

**WHEREAS**, The general banking law provides that the Auditor of State shall charge a reasonable amount for signing and registering bills issued under said law, and

**WHEREAS**, Such a provision renders it in the power of the Auditor to extort an unfair amount from those engaged in banking, therefore,

*Resolved*. That the select committee to whom was referred the bill amending the general banking law, be instructed to report a section in any bill they may introduce fixing, definitely, the fees to be charged by that officer.

*Resolved further*, That the Auditor of State be requested to furnish this House, the price now charged by him for the duties imposed by said law, and the amount made by him per day at the prices now charged, and the number of bills signed by him, since the 25th of January.

Which was adopted.

On motion by Mr. Seawright,

*Resolved*, That the Clerk of the House be directed to return to Messrs. Winchell & Nichols the thanks of this House for the very beautiful porcelain inkstand, they have presented to this body, the manufacture of Messrs. Johnson & Goodell, of New York city.

On motion by Mr. Stockwell,

*Resolved*, That so much of section 29 of article 4, of the Constitution of this State as reads as follows, to-wit: "No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days," is construed by this House to mean sixty-one consecutive days.

On motion by Mr. Walker of Laporte,

*Resolved*, That one hundred and thirty copies of the report of the State Superintendent of Public Instruction to which each member of this House is entitled, be ordered to be distributed at an early day.

#### JOINT RESOLUTIONS INTRODUCED.

Mr. Shelby obtained leave and introduced

No. 24. A joint resolution instructing our Senators, and request-

ing our Representatives to procure the passage of a law, granting lands to construct a railroad from some point on the western line of the State of Missouri or Iowa, west to the Pacific Ocean, also the right of way from this starting point eastward to the Atlantic.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

Mr. Buell obtained leave and introduced

No. 115. A bill amendatory to chapter XXXVI, of the Code of Civil Practice.

Which was read a first time and passed to a second reading.

Mr. Taber obtained leave and introduced

No. 116. A bill touching the relation of guardian and ward, approved June 9th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Freeland obtained leave and introduced,

No. 117. A bill to provide for a more uniform mode of changing county boundaries.

Which was read a first time and passed to a second reading.

Mr. Durham obtained leave and introduced

No. 118. A bill to amend an act entitled, "an act regulating the fees of officers," approved June 16, 1852.

Which was read a first time and passed to a second reading.

Mr. Struble obtained leave and introduced,

No. 119. A bill to amend an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, approved June 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Maxfield obtained leave and introduced,

No. 120. A bill to provide for the immediate distribution of the Revised Statutes of 1852, and prescribing when the same shall take effect.

Which was read a first time and passed to a second reading.

Mr. Dufour obtained leave and introduced,

No. 121. A bill to provide for the relocation of county seats, and for the erection of public buildings.

Which was read a first time and passed to a second reading.

Mr. McDonald of Lake obtained leave and introduced,

No. 122. A bill to compel old bachelors of thirty years of age to act as they should do.

Which was read a first time and passed to a second reading.

Mr. Gentry moved to suspend the order of business and take up the message from the Senate containing Senate joint resolution No. 8.

Which was agreed to.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following joint resolution thereof:

No. 8. A joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana for the use of a seminary of learning.

In which the concurrence of the House is respectfully requested.

Senate joint resolution No. 8, contained in the foregoing message was read a first time; when,

Mr. Gentry moved to suspend the rule and read the joint resolution a second time now by its title.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Dodd, Donald, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Free-land, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Boone, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Yount and Mr. Speaker—87.

*Those who voted in the negative were,*

Messrs. Druley, Gootee, Hooper, Jones of Boone, Price, Shoemaker, and Work—7.

So the rule was suspended and the joint resolution read a second time by its title, and ordered to third reading.

Mr. Durham obtained leave and introduced,

No. 123. A bill to amend the 29th, 30th and 31st sections of an act, approved June 14, 1852, entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith."

Which was read a first time and passed to a second reading.

Mr. Fleming chairman of the committee on Engrossed Bills made the following report:



MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 48, 90, 97 and 95, and find the same correctly engrossed.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills, have examined engrossed amendment to Senate bill No. 12, and find the same correctly engrossed.

When,

On motion by Mr. Struble,  
The House adjourned.

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TUESDAY MORNING, 9 o'clock, }  
February 8th, 1853. }

House met pursuant to adjournment.

On motion by Mr. Struble,

A call of the House was ordered, when the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Hicks, Howell, Jennings, Johnson, Jones of Boone, Jones of Ripley, Lassel, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Thomas, Underwood, Walker of Laporte, Work, Yount and Mr. Speaker—78.

When,

On motion by Mr. Gentry,  
The further call was dispensed with.

On motion by Mr. Gentry,  
The reading of the Journal was dispensed with.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Brown:

A petition of sundry citizens of Marshall county, asking an amendment to certain sections of the corporation law of the town of Plymouth;

Which was referred to the committee on Corporations.

By Mr. Greene:

A petition from 56 voters of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Ferris:

Two petitions from 87 voters and 61 ladies of the town of New Castle, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Ballard:

Two petitions from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Parker:

A petition from sundry citizens of this State on the subject of temperance;

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Struble, chairman of the committee on Elections, made the following report:

MR. SPEAKER:

The standing committee on elections, to whom was referred the certificates of election of the respective members of the House, have examined the same, and directed me to report that they find the following named persons were duly elected and returned Representatives of this House at the general election on the second Tuesday of October last, and are as follows, to-wit:

*From the county of Adams*—William G. Spencer.

*From the county of Allen*—Francis D. Lasselle.

*From the county of Bartholomew*—Joseph Struble.

*From the county of Blackford*—George S. Howell.

*From the county of Brown*—Sylvanus Manville.  
*From the county of Boone*—William P. Jones.  
*From the county of Carroll*—John B. Milroy.  
*From the county of Cass*—Daniel D. Pratt.  
*From the county of Clark*—John F. Reed.  
*From the county of Clay*—Daniel Dunlavey.  
*From the county of Clinton*—Wilson Seawright.  
*From the county of Crawford*—Nicholas Peckenpaugh.  
*From the county of Decatur*—Alexander S. Underwood.  
*From the county of Dearborn*—O. B. Torbet and Noah C. Durham.  
*From the county of Daviess*—Rowland B. Sutton.  
*From the county of Delaware*—James Orr.  
*From the county of Dubois*—John Able.  
*From the county of Elkhart*—James T. Maxfield.  
*From the county of Fayette*—A. F. Martin.  
*From the county of Floyd*—H. W. Catlin and J. P. Farnsley.  
*From the county of Franklin*—E. K. Rockafellar and J. S. Simpson.

son.

*From the county of Fountain*—John Stephens.  
*From the county of Fulton*—Daniel Shoemaker.  
*From the county of Gibson*—Alexandria C. Donald.  
*From the county of Grant*—Robert Wilson.  
*From the county of Greene*—John W. Ferguson.  
*From the county of Hamilton*—David Moss.  
*From the county of Hancock*—William Handy.  
*From the county of Harrison*—John Lemmon.  
*From the county of Hendricks*—Joseph H. Ballard.  
*From the county of Henry*—James S. Ferris and Joseph Yount.  
*From the counties of Howard and Tipton*—Isaac Parker.  
*From the counties of Huntington and Wells*—Peter Emery.  
*From the county of Jackson*—Jeremiah S. Tanner.  
*From the county of Jay*—Joseph J. McKinney.  
*From the county of Jefferson*—A. W. Hendricks and Dillon Bridges.  
*From the county of Jennings*—David C. Jones.  
*From the county of Johnson*—Royal S. Hicks.  
*From the county of Knox*—John P. Freeland.  
*From the county of Kosciusko*—Isaac W. Jennings.  
*From the county of Lagrange*—Francis Henry.  
*From the county of Lake*—Alexander McDonald.  
*From the county of Laporte*—John C. Walker.  
*From the county of Lawrence*—David S. Lewis.  
*From the county of Madison*—William C. Fleming.  
*From the county of Marion*—Jesse Price and Geo. P. Buell.  
*From the counties of Marshall and Starke*—Eli Brown.  
*From the county of Martin*—Thomas Gootee.  
*From the county of Miami*—Benjamin Henton.  
*From the county of Monroe*—Lemuel Gentry.  
*From the county of Montgomery*—Elijah Clark.

- From the county of Morgan*—Enoch S. Taber.  
*From the county of Noble*—John F. Brothwell.  
*From the county of Orange*—Theodore Stackhouse.  
*From the county of Owen*—Alford Dyer.  
*From the county of Parke*—George K. Steele.  
*From the county of Perry*—David T. Laird.  
*From the county of Pike*—James C. Graham.  
*From the county of Porter*—Gideon Brecount.  
*From the county of Posey*—H. C. Cooper.  
*From the counties of Pulaski and Jasper*—Felix B. Thomas.  
*From the county of Putnam*—Archibald Johnson and A. D. Hamrick.  
*From the county of Randolph*—Josiah Bundy.  
*From the county of Ripley*—Samuel L. Jones.  
*From the county of Rush*—Samuel Greene and James Walker.  
*From the county of St. Joseph*—Jeremiah H. Service.  
*From the county of Scott*—David McClure.  
*From the county of Shelby*—Samuel Donelson.  
*From the county of Spencer*—William B. Richardson.  
*From the counties of Steuben and DeKalb*—Robert Work and Edward J. Hammond.  
*From the county of Sullivan*—Squire McDonnall and W. McKee.  
*From the counties of Switzerland and Ohio*—Oliver Dufour and H. E. Dodd.  
*From the county of Tippecanoe*—A. F. Chapin and Samuel McCormick.  
*From the county of Union*—Nicholas Druley.  
*From the county of Vanderburgh*—John M. Stockwell.  
*From the county of Vermillion*—David Shelby.  
*From the county of Vigo*—Harvey D. Scott, L. A. Burnett, and William Goodman.  
*From the county of Wabash*—Thomas S. Lines.  
*From the county of Warren*—Edgar Ryan.  
*From the county of Warrick*—Simon P. Lowe.  
*From the county of Washington*—John Hartley.  
*From the county of Wayne*—Elihu Hunt, H. W. Shuman, and B. F. Harris.  
*From the counties of White and Benton*—David Turpie.  
*From the county of Whitley*—Adams G. Hooper.

When,

On motion by Mr. McDonald of Lake,  
 The report was laid on the table.

Mr. Buell, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House

bill No. 42, entitled an act to amend an act entitled an act in relation to applying certain funds therein named to the payment of the public debt, approved June 18th, 1852, have had the same under consideration and have directed me to report that in the opinion of your committee, it would be inexpedient to legislate upon the subject, and recommend the indefinite postponement of said bill.

On motion by Mr. Cooper,

The consideration of the report was postponed till Tuesday next and made the special order of the day for that day.

Mr. Laird asked and obtained leave of absence for two days after the return of the committee on the affairs of the State Prison from Jeffersonville.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, who were instructed by a resolution of the house to report their opinion of the intent and meaning of that portion of sec. 29, art. 4, of the Constitution of this State, in relation to the extension of the term of the General Assembly, have had the subject under consideration, and have directed me to make the following report:

The language of that portion of the Constitution referred to, is as follows:

“No session of the General Assembly except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.”

The committee understand the question presented by the resolution to be as to whether or not Sundays and other days when the General Assembly may not actually sit, shall be computed as part of the term of sixty-one days.

They are of the opinion that the word “session,” as used in this section of the Constitution, embraces all the time intervening between the first day of meeting and the final adjournment of the Legislature—whether either or both branches may have been actually sitting during all of that period or not, and that the time covered by temporary adjournment is to be considered as part of the period of session.

The doctrine seems to have been established as applicable to the British Parliament. ‘The session of Parliament continues until it be prorogued, and breaks not off by adjournment,’ ‘an adjournment is no more than the continuance of the session from one day to another;’ ‘an adjournment is by each house, and the session continues notwithstanding such adjournment.’ Attaching this meaning to the word ‘session,’ it seems clear that the Constitution in limiting the session to the term of sixty-one days, means sixty-one consecutive days and not sixty-one days of actual sitting. It is also a general principle that when a given number of days are prescribed by law for the perform-

ance of any act or the discharge of any duty, Sundays, unless specially excepted, are computed ; this is familiar in construction of all statutes prescribing terms, as for the service and return of writs, taking appeals and the like. Sundays are considered as part of the terms of the English courts of law. To apply a different rule of construction in the present case, might defeat the object of this provision of the Constitution. The same reason that would exclude Sundays from the computation, would also exclude other days when either branch should not be in actual session. Either house has power under the Constitution to adjourn for three days, without the consent of the other, if then, one branch should adjourn for three days, while the other remained in session, it would happen that when the branch not so adjourning had set sixty-one days, the other would have set but fifty-eight days, and as the 'General Assembly' would not have been in session sixty-one days, until each branch composing it had been that long in session, it might happen that by frequent adjournments of one branch, the session would be greatly prolonged. Your committee therefore, submit it as their opinion that the present session of the General Assembly, is limited to sixty-one consecutive days from the 6th day of January, and consequently, that it cannot extend beyond the 7th day of March.

Which was concurred in.

Mr. Turpie, from the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The committee on the Judiciary to whom was referred resolution No. 17, instructing them to inquire into the expediency of enacting a law providing for the selection and empanneling of juries in the court of common pleas, have had the same under consideration ; as to the second clause in said resolution, in relation to allowing appeals from writs of common pleas, only when questions of law come in question, your committee think that such an enactment would be inexpedient. There is certainly no reason why litigants in that court should not have the same right of appeal as in other cases. The committee ask to be discharged from further consideration of said last named subject in said resolution, and on the first part of the resolution beg leave to report :

No. 124. A bill to provide for the selection and empanneling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled, "an act prescribing the manner of impanneling petit jurors, the number and compensation thereof," approved May 20, 1852.

Which was read a first time and passed to a second reading.

Mr. McClure, chairman of the committee on Corporations, made the following report :

**MR. SPEAKER:**

The committee on Corporations to whom was referred bill of the House No. 86, entitled, "a bill to extend further time for the completion of several Plank, Gravel, and McAdamized road companies in this State," have had the same under consideration, and directed me to report the same back with two amendments and as amended recommend its passage:

Amend 1st by striking out section 1st from the enacting clause, and inserting the following—

"That the board of county commissioners of the several counties of this State, having any uncompleted portion or portions of any Plank, Gravel, Turnpike or McAdamized road or roads within their respective limits, in the process of construction, by any company organized under a special charter, granted by the Legislature of this State, but whose charters are about to expire before such roads are completed, may when application is made by a majority of the directors of such roads, to said commissioners, grant such further time to said company, as they may deem right in view of the interest of the owners of stock in such companies, and of the inhabitants of counties in which such further time is granted."

Amend 2d by adding an additional section as follows—

**SEC. 3.** An emergency is hereby declared to exist, therefore, this act to be in force from and after its passage.

The amendments were adopted and the bill ordered to be engrossed.

Mr. Underwood chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions beg leave to present the following report on the condition of the Indiana Institute for the Education of the Blind.

The new building, when completed, will be a structure in appearance among the most beautiful and elegant in the State. In accommodation for spaciousness, convenience and architectural design, it will be surpassed by none. It will be made as perfectly fire proof as it is possible with the materials in ordinary use, and, on the whole, very creditable to the reputation of the people of Indiana for enterprise and liberality. Great credit is due the Building Committee for their successful exertions in discharging the work entrusted to them.

The cost of the building is estimated, when complete, at \$67,000.

The school is not at present in session, but will commence about the 15th of the present month. The Superintendent contemplates giving, as soon as possible after the opening of the school, an exhibition to the members of the General Assembly, of which time due notice will be given.

The current expenses of the Institute are estimated at \$5,000 per annum, for the next two years. The indebtedness for building purposes is \$34,399 45, on a part of which interest is chargeable since last March, for the liquidation of which the committee would recommend provision to be made for the payment of one-half the current year, and the other half the next year. For the debt and current expenses, an appropriation of \$50,399 45 will be required,—making the amount of \$25,199 72 for each year the next two years.

The present salary of the Superintendent we consider quite insufficient to secure the permanent services of a competent person. The committee would therefore recommend that it be increased to \$1,000 a year.

Which was laid on the table.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following joint resolutions of the House:

No. 19. A joint resolution relative to the Michigan City Harbor.

No. 20. A joint resolution relative to the construction of a canal around the falls of the Ohio;

Without amendment.

Mr. Orr, from the committee on County and Township business, made the following report:

**MR. SPEAKER:**

The committee on County and Township business, to whom was referred resolution of the House No. 6, instructing said committee to inquire what township officers, in their opinion, are entitled to a copy of the Revised Statutes of 1852, and the laws enacted by the General Assembly, have had the same under consideration, and have directed me to report: That upon said committee examining the laws of 1852, they find that a justice of the peace, township trustees and assessors, are each entitled to a copy of the Revised Statutes of 1852, and, in their opinion, are all the township officers who stand in need of said laws; all which they respectfully report, and ask to be discharged from the further consideration of said resolution.

Which was concurred in.

Mr. Stockwell, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred so much of the Gov-



ernor's message as relates to a Geological survey of the State, have had the same under consideration, and direct me to report

No. 125. A bill to provide for a Geological survey of the State.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication from the Auditor of State, in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Feb. 8, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—I have the honor to acknowledge the receipt of the following resolution of the body over which you preside, viz :

“ *Resolved, further,* That the Auditor of State be requested to furnish to this House the price now charged by him for the duties imposed by said general banking law, and the amount made by him per day, at the prices now charged, and the number of bills signed by him since the 25th of January.”

In reply to the first interrogatory, I will state that I have made no charge, as yet, against any bank. My worthy predecessor, I understand, charged \$20 per thousand sheets, for signing, registering, numbering, &c. From the little experience I have had in the business, I think this too low.

In reply to the second, as to the amount made per day, it is impossible for me to say what can be made per day.

Third. The number of bills signed and delivered since I have been in office, by me, is 2,933 sheets. I have partially prepared more by signing myself, but they are yet to be registered and countersigned.

Respectfully, your ob't. serv't.,

JOHN P. DUNN, *Auditor.*

Which was laid on the table.

#### RESOLUTIONS.

On motion by Mr. Underwood,

*Resolved,* That the committee on the judiciary be requested to inquire into the expediency of so amending the law in relation to convicts in the penitentiary, (who are heads of families,) that the proceeds of their labor, after deducting the expense of keeping them, shall be given for the support of their families, and report by bill or otherwise.

On motion by Mr. Hicks,

*Resolved,* That the committee on the Judiciary be instructed to inquire into the expediency of so changing the law in relation to

mechanics' liens as to give further time to mechanics who wish to avail themselves of the benefits of said law by filing in the recorders' office the notice required by such law.

On motion by Mr. Jones of Jennings,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of amending an act entitled "an act to provide for the election and prescribing certain duties of recorders," as to compel persons to advance the recorders' fees before the work is done, and report by bill or otherwise.

On motion by Mr. Lemmon,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of making provision by law for individuals to change highways on their own land, at their own expense, as previous laws have done. Also, of conferring on county commissioners the power of authorizing the erection of swinging gates across any highways running through an individual's land, and report to this House by bill or otherwise.

On motion by Mr. Pratt,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill providing that in all cases of judgment in civil actions for any wanton, wilful or malicious trespass upon person or property, the judgment defendant shall not be entitled to the benefit of the appraisement laws.

On motion by Mr. Brecount,

*Resolved*, That the committee on Swamp Lands be instructed to so amend the law regulating the sale of swamp lands, that the purchaser will not be required to pay but one half of the purchase money in hand, and the residue in one year from date, and reduce the price of all swamp lands that remain unsold at the expiration of two years, and report to this House.

Mr. Milroy offered the following resolution:

*Resolved*, That each member of this House be furnished with one number of the Temperance Chart, weekly; and that the Editor be paid the same compensation for his paper that other newspapers receive from this House.

Mr. Brecount moved to strike out the latter part of the resolution, and insert "at his own expense."

Which was not agreed to.

Mr. Hicks moved to add "each weekly paper in the State."

Which motion did not prevail.

Mr. Johnson moved to lay the resolution on the table.

Which was disagreed to.

The question then recurring on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Manville and Brown.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Brown, Buell, Dodd, Druley, Dufour, Ferris, Goodman, Greene, Henry, Hammond, Harris, Hendricks, Hunt, Jennings, Lasselle, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, Milroy, Moss, Pratt, Read, Ryan, Seawright, Service, Shelby, Shuman, Steele, Stockwell, Struble, Walker of Laporte, Work, Yount and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bundy, Burnett, Donald, Donelson, Dunlavey, Emery, Farnsley, Ferguson, Fleming, Gentry, Goottee, Graham, Hamrick, Handy, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Jennings, Lemmon, Lewis, Lines, Lowe, Manville, McCormick, McClure, McKinney, Parker, Peckenpaugh, Richardson, Rockafellar, Scott, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Taber, Thomas, Turpie, Underwood, and Walker of Rush—46.

So the resolution was not adopted.

On motion by Mr. Burnett,

*Resolved*, That the doorkeeper be instructed to report to the House, whether any public documents received by members of this House from Washington city, have been remailed at the expense of the State, and if so, report to the House the names of such members so doing, and amount of postage so charged.

Mr. Hicks offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing all valuation and stay laws, on judgments in justices courts, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Orr,

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of the State, be instructed to examine the Revised Code of 1852, and ascertain if there be sufficient protection (to all religious societies, or any member thereof when met or meeting together for public worship, and all other collections of people convened for any lawful purpose) against the lawless and unprincipled, and report to this House without delay, by bill or otherwise.

On motion by Mr. Peckenpaugh,

*Resolved*, That the committee on County and Township Business,

be requested to inquire into the expediency of so changing the 4th section of an act "prescribing the powers and duties of coroner," approved May 27th, 1852, so as to reduce the number of the jury to six, instead of twelve, as it now is.

#### BILLS INTRODUCED.

Mr. Pratt obtained leave and introduced,

No. 126. A bill to authorize corporations formed in pursuance of an act entitled, "an act to provide for the incorporation of railroad companies," approved May 11th, 1852, to file in the office of the Secretary of State, a certified copy of their original articles of association, and legalizing the action of such corporations in that respect where such certified copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.

Which was read a first time and passed to a second reading.

Mr. Underwood obtained leave and introduced,

No. 127. A bill to repeal an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Druley obtained leave and introduced,

No. 128. A bill to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs there-to, and certain forms to be used in such settlement.

Which was read a first time and passed to a second reading.

Mr. Spencer obtained leave and introduced

No. 129. A bill to repeal the 48th, 49th, and to amend the 50th section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Johnson obtained leave and introduce

No. 130. A bill to amend "an act regulating descents, and the apportionment of estates," approved May 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Hendricks obtained leave and introduced

No. 131. A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.

Which was read a first time and passed to a second reading.

Mr. Dufour obtained leave and introduced

No. 132. A bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852.

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following resolution:

*Resolved*, That, (the House concurring,) the Trustees of the Asylum for the Deaf and Dumb, be and they are hereby instructed to accept the resignation of Jas. S. Brown, the present principal Superintendent according to his request, as heretofore expressed and proceed to fill the vacancy as the law prescribes.

In which the concurrence of the House is respectfully requested.

Mr. Underwood moved to refer the resolution contained in the foregoing message to the committee on Benevolent and Scientific Institutions.

Which was not agreed to.

When,

On motion,

The resolution was reciprocated by the House.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills of the House.

No. 13. An act to amend an act entitled "an act providing for the appointment of notaries public and defining their powers and duties," approved June 9th, 1852, amending section 2, and repealing section 3 of said act.

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit, with the following engrossed amendments thereto, in which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bills Nos. 13, and 49, contained in the foregoing message were concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its amendments to bill of the House,

No. 37. An act to change the time of holding circuit courts in the tenth Judicial circuit, and have appointed Messrs. Edsall and

Harris a committee of Free Conference to act with a similar committee to be appointed on the part of the House.

In which the concurrence of the House is respectfully requested.

Mr. Spencer moved to insist.

Which motion prevailed.

On motion by Mr. Spencer,

A committee of Free Conference was appointed on the part of the House to confer with a similar committee already appointed on the part of the Senate.

Whereupon Messrs. Spencer and Hooper were appointed said committee.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 53. An act to authorize and regulate suits against the State.

No. 54. A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

In which the concurrence of the House is respectfully requested.

Bills No. 53 and 54 contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bill of the House:

No. 29. A bill to repeal part of section 119, of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852;

With the following engrossed amendments thereto, in which the concurrence of the House is respectfully requested.

When,

On motion by Mr. Pratt,

The bill and amendments were referred to the committee on the Judiciary.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 43. A bill to repeal part of the first section of an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company.

No. 56. An act to amend section first and section twelfth of an act entitled an "act to authorize the construction of levees and drains."

No. 59. An act to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

No. 61. An act to change the time of holding circuit courts in the second judicial circuit.

No. 62. An act to amend the 4th section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

In which the concurrence of the House is respectfully requested.

Bills No. 43, 56, 59, 61 and 62, contained in the foregoing message were read a first time and passed to a second reading.

Mr. Hicks, from the committee on Enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the accompanying enrolled joint resolutions of the House, Nos. 19 and 20, with the engrossed resolutions of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Graham,

The House adjourned.

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2 o'clock, P. M.

House met.

#### ORDERS OF THE DAY.

*House bills on second reading.*

No. 101. A bill to amend an act entitled, "an act authorizing

the construction of plank, McAdamized and gravel roads," approved May 12, 1852.

Was read a second time, and ordered to be engrossed.

No. 102. A bill for the protection of game.

Was read a second time.

Mr. Manville moved to amend by inserting "female" before "deer."

Which was not agreed to.

Mr. Milroy offered the following amendment:

Amend by striking out 1st day of April and 1st day of September, and inserting in lieu thereof 1st day of February and 1st day of July;

Which was adopted, and the bill ordered to be engrossed.

No. 103. A bill supplemental to an act entitled "an act to provide for a general and uniform system of common schools, school libraries, and matters properly connected therewith," approved June 14, 1852;

Was read a second time.

Mr. Lasselle moved to amend by adding after the word "German" the word "French."

Mr. Able moved to refer the bill to the committee on Education.

Mr. Walker of Laporte moved to amend by referring with instructions to incorporate the provisions of the bill in a supplemental bill to be introduced by said committee.

Mr. Ryan moved to indefinitely postpone the bill and amendment.

And the question being put,

The ayes and noes were demanded by Messrs. Ryan and Bundy.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brothwell, Brown, Bundy, Dodd, Donelson, Druley, Dufour, Dunlavey, Farnsley, Ferris, Ferguson, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Lewis, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Rockafellar, Ryan, Service, Steele, Shoemaker, Shuman, Simpson, Stackhouse, Struble, Taber, Thomas, Turpie, Underwood, Walker of Rush, Wilson, Yount and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Buell, Burnett, Donald, Emery, Fleming, Gentry, Graham, Henry, Howell, Jones of Jennings, Lasselle, Lemmon, Lines, Lowe, McCormick, Price, Read, Richardson, Scott, Seawright, Shelby, Spencer, Stephens, Stockwell, Sutton, and Walker of Laporte—28.



So the bill was indefinitely postponed.

No. 104. A bill authorising the Auditor of State to audit the account of William Potter, and to allow him one hundred and fifty dollars for services as prosecuting attorney;

Was read a second time; when,

On motion by Mr. Hicks,

The bill was referred to the committee on Claims.

No. 105. A bill to abolish the office of Public Printer, and to provide for letting out the public printing to the lowest bidder;

Was read a second time.

Mr. Hicks moved to indefinitely postpone the bill; when,

On motion by Mr. Maxfield,

The bill was laid on the table.

No. 106. A bill to supply the omission of words in the Revised Statutes of 1852;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

No. 107. A bill to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852;

Was read a second time; when,

On motion by Mr. Farnsley,

The bill was referred to the committee on Agriculture.

#### HOUSE JOINT RESOLUTION ON SECOND READING.

No. 24. A joint resolution in reference to a railroad from the Atlantic to the Pacific;

Was read a second time; when,

On motion by Mr. Dufour,

The joint resolution was referred to the committee on Federal Relations.

#### SENATE BILLS ON SECOND READING.

No. 7. A bill to authorize railroad companies to connect with railroads in an adjoining State, to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located,

Was read a second time.

Mr. McDonald of Lake moved to refer the bill to the committee on the Judiciary.

Mr. Turpie moved to change the reference to the committee on Corporations.

Mr. Read moved to amend by offering the following instructions:

*Provided*, that no such connection or consolidation shall be made unless two-thirds of the stockholders of such roads so connecting or consolidating shall agree to the same.

Which was agreed to.

And the question then recurring on Mr. Turpie's motion,  
It was agreed to.

#### HOUSE BILLS ON THIRD READING.

On motion by Mr. Donald,

House bill No. 39, a bill to more particularly define the boundary line between the counties of Gibson and Warrick, was taken up.

Mr. Lowe moved to indefinitely postpone the bill,

Which was not agreed to.

And the question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Cooper, Donald, Donelson, Dunlavey, Ferris, Ferguson, Goodman, Graham, Greene, Harris, Hendricks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Lines, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, Milroy, Orr, Peckenpaugh, Pratt, Ryan, Scott, Service, Shelby, Shoemaker, Spencer, Steele, Stockwell, Struble, Thomas, Turpie, Walker of Rush, Yount, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Brecount, Brothwell, Brown, Buell, Bundy, Druley, Dufour, Emery, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Henry, Hicks, Jones of Boone, Lasselle, Lemmon, Lewis, Lowe, McCormick, McClure, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shuman, Simpson, Stackhouse, Stephens, Sutton, Taber, Underwood, Walker of Laporte, and Wilson—41.

So the bill did not pass for want of a constitutional majority.

No. 80. A bill to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress, approved February 12th, 1793;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Bundy, Dufour, Dunlavey, Farnsley, Ferguson, Fleming, Gentry, Graham, Handy, Hendricks, Hicks, Jennings, Johnson, Jones of Boone, Lewis, Lines, Manville, Maxfield, McCormick, McDonald of Lake, Moss, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Sea-

wright, Shelby, Shoemaker, Shuman, Simpson, Steele, Stockwell, Struble, Sutton, Thomas, Turpie, Wilson, and Yount—47.

*Those who voted in the negative were,*

Messrs. Brothwell, Buell, Donelson, Emery, Ferris, Goodman, Greene, Hammond, Harris, Hooper, Howell, Jones of Jennings, Lemmon, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Price, Spencer, Stephens, and Taber—24.

So the bill did not pass for want of a constitutional majority.

Mr. Dufour moved that the House adjourn ;

Which motion did not prevail.

No. 82. A bill to regulate the permission of foreign insurance companies to establish agencies within this State ;

Was read a third time.

Mr. Dufour moved to commit the bill to the committee on corporations with instructions to strike out the word "foreign" wherever it occurs, so as to read, all insurance companies doing business in this State.

Amend section 2, so as to read, two and one-half per cent. on nett premiums.

Which was not agreed to.

And the question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Dodd, Donald, Donelson, Druley, Dunlavey, Emery, Farnsley, Eerguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson and Work.—76.

*Those who voted in the negative were,*

Messrs. Cooper, Dufour, Ferris, Hooper, Jones of Jennings, McKee, Read, Shelby, Sutton, Yount and Mr. Speaker—11.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 84. A bill to prevent the gathering of cranberries on the public lands in the State of Indiana, before they are ripe.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Lasselle, Lemmon, Lines, Lewis, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Ryan, Seawright, Service, Shelby, Shuman, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—72.

*Those who voted in the negative were,*

Messrs. Jennings, Jones of Jennings, Lowe, Richardson, Rockefeller, Scott, Shoemaker, Simpson, and Mr. Speaker—9.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Struble moved that the House adjourn;

Which was not agreed to.

No. 94. A bill to provide for an addition to the Library at the Hospital for the use of the Insane,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Bundy, Cooper, Donald, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferris, Fleming, Gentry, Gootee, Graham, Greene, Hamrick, Handy, Henry, Hicks, Howell, Hunt, Jennings, Lasselle, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Ballard, Donelson, Harris, Johnson, Jones of Boone, Jones of Jennings, Lemmon, Rockafellar, and Simpson—10.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILL ON SECOND READING.

No. 122. A bill to compel old bachelors of 30 years of age to act as they should do.

Mr. Jones of Jennings moved to amend by striking out so much as makes the tax aforesaid go to the benefit of the first lady who shall marry, and inserting "the revenues arising from said tax to be appropriated to the support of illegitimate children; provided the amount thus appropriated in the county of Lake shall not exceed the sum of one dollar to each inhabitant of said county."

Which amendment was adopted;

When,

On motion,

The bill was laid on the table.

Mr. Pratt moved to take from the files Senate joint resolution

No. 8. A joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana, for the use of a Seminary of learning.

Which was agreed to.

Mr. Pratt moved to commit the bill to a select committee of three, with instructions to amend the preamble so as to prevent the State being estopped by any recital therein from insisting upon her claim to the proceeds of the township of land in controversy.

Which was agreed to.

And Messrs. Pratt, Gentry and Hendricks were appointed said committee.

#### SENATE BILLS ON THIRD READING.

No. 35. A bill to provide for the punishment of persons guilty of counselling, advising, aiding and abetting, in this State, in the perpetration or attempt to perpetrate a felony in another State;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Henry, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—82.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Thomas moved the House adjourn.

Which was not agreed to.

No. 37. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Cooper, Donald, Donelson, Druley, Dunlavey, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—80.

*Those who voted in the negative were,*

Messrs. Scott, Shelby, and Taber—3.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

## SENATE JOINT RESOLUTION ON THIRD READING.

No. 4. A joint resolution in regard to a right of way.  
 Was read a third time,  
 And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Buell, Bundy, Burnett, Cooper, Donald, Dufour, Dunlavey, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Taber, Turpie, Walker of Laporte, Walker of Rush, Wilson, and Yount—67.

*Those who voted in the negative were,*

Messrs. Brothwell, Brown, Donelson, Druley, Emery, Gootee, Hammond, Henry, Maxfield, Service, Spencer, Struble, Sutton, Thomas, Underwood, and Work—16.

So the joint resolution passed.  
 Ordered that the Clerk inform the Senate thereof.

## HOUSE BILLS ON SECOND READING.

Mr. Parker moved the House adjourn.  
 Which was not agreed to.

No. 108. A bill entitled an act to provide for the distribution of the school fund for the year ending the fourth Monday in March, 1853.

Was read a second time, when,

On motion by Mr. Gentry,

The bill was referred to the committee on Education.

Mr. Turpie moved that the House adjourn;

Which was not agreed to.

No. 109. A bill to amend an act entitled "an act to incorporate the Cannelton Steam Mill and Manufacturing Company," approved Feb. 16, 1848, changed to the name of the Troy Manufacturing Company, by an act approved Jan. 15, 1849, to enable said com-

pany to increase its capital stock to \$200,000, to hold real estate to the amount of \$50,000, and to manufacture cotton;

Was read a second time, when

On motion by Mr. Turpie,

The bill was laid on the table.

Mr. Emery moved that the House adjourn;

Which was not agreed to.

No. 111. A bill to prevent the betting on elections and punish offenders therefor;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

Mr. Jones of Jennings moved that the House adjourn;

Which was disagreed to.

No. 112. A bill to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business;

Was read a second time.

Mr. Dodd moved to refer the bill to the committee on the Judiciary.

Which was disagreed to.

The bill was then ordered to be engrossed.

Mr. Pratt moved that the House adjourn.

Which motion did not prevail.

No. 114. A bill for the relief of Henry Pettinger of Delaware county, and prescribing the duties of the auditor of said county in relation thereto;

Was read a second time, when,

On motion by Mr. Ferris,

The bill was referred to the committee on Education.

No. 113. A bill to provide each common school library in the State with certain books therein named;

Which was read a second time.

Mr. Johnson moved to refer the bill to the committee on Education.

Mr. Walker of Laporte moved to amend by referring with instructions to incorporate the provisions of the bill in a supplemental bill to be introduced by said committee.

Which motion did not prevail.

And the question recurring on the original proposition to refer the bill to the committee on Education,

It was agreed to.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bill of the House No. 86, and find the same correctly engrossed.



Mr. Hicks, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House with the engrossed bills of the corresponding numbers, viz: Nos. 13 and 49, and find the same correctly enrolled.

Mr. Manville moved to take from the table House bill No. 122, on the subject of old bachelors.

Which was not agreed to.

Mr. Hicks moved that the House adjourn.

Mr. Underwood moved to indefinitely postpone the motion of Mr. Hicks;

Which was not agreed to.

The question then recurring on Mr. Hick's motion,

The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 9th, 1853. }

House met pursuant to adjournment.

Mr. Gentry moved to dispense with the reading of the Journal,  
Which motion did not prevail.

The Journal of yesterday was partly read; when,

On motion by Mr. Turpie,

The further reading was dispensed with.

On motion by Mr. Brown,

Leave of absence was granted to Mr. Thomas.

On motion by Mr. Jones of Boone,

Leave of absence was granted to Mr. Dunlavey until Monday next.

#### PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Gentry:

A petition from sundry citizens of Bloomington praying the repeal of the law incorporating said town;

Which was referred to the committee on Corporations.

By Mr. Shoemaker:

A petition from sundry citizens of the State of Indiana on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Hooper:

A petition from sundry citizens of Whitley county, praying the passage of a law prohibiting physicians from practicing without license;

Which was referred to the committee on the Organization of Courts of Justice.

By Mr. Shelby:

A petition from 95 citizens and 49 voters of Vermillion county, on the subject of temperance;

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Scott, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee to whom resolution No. 16 was referred, upon the subject of reviving the old law for the collection of rents, have had the same under consideration, and have directed me to report that they deem it inexpedient at the present to legislate upon that subject.

The old method of collecting rents by distress, has for many years been considered an odious feature in our law, and the action of distress has been erased from the statute, by the force of public opinion. It sometimes operated favorably for the landlord, but was always a hard action for the tenant; and was conceived and enacted in times when tenants were little better than slaves. The improvements of the age, and the peculiar organization of society in this State, have placed the landlord and tenant upon the same level; and it is high time the improvements in civilization should be made to appear upon the statute books. As the law now stands, the landlord looks to the conditions of his lease for his security; and it must be manifest that it is better for enlightened citizens to make the terms of their own contracts, than to leave them to be made by the law,—a law which neither party has an opportunity of examining, and perhaps if examined, is entirely misconceived. The action by distress, in consequence of its arbitrary provisions, has been by our statute, and the decisions of courts, so circumscribed and hedged in, that the landlord, in few instances, was safe in resorting to it; and in these he was a lucky man if he did not find himself a trespasser, with a prospect of damages twice and thrice laid on. And it has been oftener the poverty of

the tenant, than the legality of the proceedings, that suits have not been brought where this action has of late years been resorted to for the collection of rents.

The committee therefore ask to be discharged from the further consideration of said resolution.

Which was concurred in.

On motion by Mr. Price,  
Leave of absence was granted to Mr. Buell to-day.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education, to whom was referred House bill No. 108, respectfully beg leave to report the same back to this House, and recommend its indefinite postponement; and as a substitute therefor, ask the adoption of the following bill.

The report was concurred in, and House bill No. 108 indefinitely postponed; and as a substitute, the following bill was introduced:

No. 133. A bill entitled an act to provide for the distribution of the school fund for the year ending on the fourth Monday in March, 1853;

Which was read a first time, and passed to a second reading.

Mr. Cooper, from the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education, to whom was referred "an act for the relief of Henry Pittenger, of Delaware county," &c., have had the subject under consideration, and direct me to report that, on account of legal and constitutional questions which may be involved in the subject, they recommend its reference to the committee on the Judiciary.

Which was concurred in, and the report referred to the committee on the Judiciary.

Mr. Henry, chairman of the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred a communication from his Excellency, the Governor, together with a claim of Alexander Vattermere, Agent for this State, for international literary exchanges, have had the same under consideration, and unanimously direct me to make the following report, viz:

Whereas, by a joint resolution of the General Assembly of the State of Indiana, approved February 12, 1848, constituting the said Alexander Vattermere agent of this State for international literary exchanges; and whereas, by said resolution, a sum not exceeding four hundred dollars, is appropriated, to be paid annually out of any money in the treasury, on the warrant of the Auditor of State, who shall issue the same on the certificate of the Governor that the amount has been properly expended.

The committee would further report that upon the examination of said claim, they find that the said Alexander Vattermere, in January, 1850, received from Governor Whitcomb \$200, and also by a receipt dated January 6, 1853, an additional sum of \$306,—making five hundred and six dollars. The amount claimed up to 1852, is \$1,024; leaving a balance of \$518 unpaid. Your committee are not satisfied, from the exhibit of the said Alexander Vattermere, that the expenses as set forth by him, is in accordance with the intention of the resolutions constituting said office; and therefore recommend that the whole matter be referred back to his Excellency, the Governor, and that no further payment be made until the said Alexander Vattermere furnish proper vouchers that the amount claimed is properly in accordance with said joint resolution; and your committee asks to be discharged from the further consideration of this subject.

Which was concurred in.

Mr. Struble, from the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred the claim of Alexander Vattermere, Agent of State for international literary exchanges, have instructed me to report No. 134, a bill to repeal a joint resolution, approved February 12, 1848, and to abolish the office of State Agent for international literary exchanges.

Which was read a first time and passed to its second reading.

Mr. Donelson, chairman of the committee on Federal Relations, made the following report:

MR. SPEAKER:

The committee on Federal Relations, to whom was referred House joint resolution, upon the subject of the franking privilege with instructions to report a substitute, have had the same under consideration, and I am unanimously instructed by the committee to report No. 25, a joint resolution in relation to the repeal of the franking privilege.

Which was read a first time and passed to a second reading.

Mr. Pratt moved to reconsider the vote taken yesterday, referring Senate joint resolution No. 8, to a select committee with instructions.

Which motion prevailed.

By consent of the House, Mr. Pratt withdrew the instructions, and the joint resolution was placed in the files.

Mr. Ballard, from a select committee, made the following report.

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens (lessees of the State), praying for the right to sue the State, believe that Senate bill No. 53, makes ample provisions on the subject, and as said bill is now pending in the House, the committee would respectfully ask to be discharged from the further consideration of the subject.

Which was concurred in.

#### RESOLUTIONS.

Mr. Graham offered the following resolution :

*Resolved*, That the House will, the Senate concurring, go into the election of an Agent of State on Saturday 12th of February, at 10 o'clock, A. M.

Mr. McDonald of Lake, moved to lay the resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Johnson.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Dodd, Donald, Donelson, Druley, Ferris, Gentry, Goodman, Greene, Hammond, Hamrick, Handy, Harris, Henry, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lines, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Orr, Peckenpaugh, Pratt, Richardson, Rockafellar, Ryan, Service, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Stockwell, Struble, Taber, Walker of Laporte, Walker of Rush, Wilson, Yount, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Able, Bridges, Brothwell, Bundy, Burnett, Cooper, Dufour, Emery, Farnsley, Ferguson, Fleming, Gootee, Graham, Hendricks, Hicks, Howell, Lasselle, Lemmon, Lewis, Lowe, McClure, McKee,

Parker, Price, Read, Seawright, Shelby, Stackhouse, Sutton, Underwood, and Work—31.

So the resolution was laid on the table.

By unanimous consent,

On motion by Mr. Gentry,

Senate joint resolution No. 8, a joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana, for the use of a seminary of learning,

Was taken up and read a third time.

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Cooper, Dodd, Donald, Dufour, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—81.

Messrs. Druley and Jones of Jennings voting in the negative.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Hicks,

*Resolved*, That the committee on Public Expenditures be instructed to inquire into the expediency of so amending the law in relation to the fees of petit jurors, as to allow each juror one dollar and fifty cents per day, and report by bill or otherwise.

On motion by Mr. Struble,

*Resolved*, That the committee on Education be requested to engraft a provision in the school bill they are about to report to this House, that the trustees of each civil township may, or may not lay off their township into school districts, as in their opinion will advance education, and in accordance with the opinion of a majority of the people of their township.

On motion by Mr. Johnson,

*Resolved*, That the committee on Corporations be instructed to examine into the law chartering the Central Plank Road Company, and see if there is any law by which said company can be compelled to complete said road, to the western line of Putnam county, as contemplated in said charter, and if so, report a bill to that effect, and if not report accordingly.

Mr. Lowe offered the following resolution :

*Resolved*, That the House will hereafter meet at half past 8 o'clock, A. M., instead of 9 o'clock, as it now does.

Which was not adopted.

On motion by Mr. Jones of Jennings,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of exempting ministers from working roads, and report by bill or otherwise.

On motion by Mr. Lemmon,

*Resolved*, That the committee on Corporations be instructed to examine sections 22 and 23, chapter 6, of Revised Statutes of 1852, which requires the tax payer to list the stock held in trust, or owned by such person ; and also section 32, of same chapter, which requires the president of certain corporations, to report the stock of such corporation for taxation, and ascertain whether the law does or does not tax the stockholder, both in his individual and also in his corporate capacity ; and if so, inquire into the expediency of so amending said law, so that the stockholder shall pay tax only in one capacity, and report to this House by bill or otherwise.

On motion by Mr. Steele,

*Resolved*, That the committee of Ways and Means inquire into the reasons why the Revised Statutes have not been distributed amongst the officers of the State, who are entitled to them, and report to this House as soon as possible.

On motion by Mr. Shoemaker,

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of requiring county auditors to keep a full and complete alphabetical index to the records and proceedings of their respective county boards.

On motion by Mr. Hicks,

*Resolved*, That the Auditor of State be requested to inform this House, at his earliest convenience, what amount of money annually, for the last five years, has been paid to attorneys employed on behalf of the State of Indiana.

On motion by Mr. Underwood,

*Resolved*, That the reports of the committee on Benevolent and Scientific Institutions, in relation to the Indiana Hospital for the Insane, the Asylum for the Education of the Deaf and Dumb, and the Indiana Institute for the Education of the Blind, be severally taken from the table and referred to the committee on Ways and Means.

On motion by Mr. McClure,

*Resolved*, That the Auditor of State be requested to inform this House at his earliest convenience what amount of postage has accrued up to the present time, on account of documents and newspapers sent through the Post-office by members of the General Assembly during the present session; also, the probable amount at the termination of the same, chargeable on the treasury.

Mr. Orr offered the following resolution :

*Resolved*, That the committee on the Judiciary inquire into the expediency of passing a law to prohibit judges of the court of common pleas in practicing law before a justice of the peace in said judge's district, and report to this house by bill or otherwise.

Which was not adopted.

On motion by Mr. Pratt,

*Resolved*, That the committee on the Judiciary, be instructed to inquire whether the 13th section of an act authorizing courts of common pleas, does not authorize appeals to the supreme court for the retrial of questions of fact, and if the same bears that construction, whether the law on that particular should not be modified so as to confine all such appeals to the circuit court.

Mr. Farnsley offered the following resolution :

*Resolved*, That the House will, the Senate concurring, adjourn *sine die*, on the 22nd inst.

Mr. Hicks moved to amend by adding, "if we have finished our business."

Which was adopted.

When,

On motion by Mr. Turpie,  
The resolution as amended was laid on the table.

Mr. Shelby offered the following resolution :

*Resolved*, That the committee on Education be instructed to report a bill abolishing the office of township school trustees, and transferring all their duties to a district trustee to be elected by the qualified voters of the district for which he is elected, who shall make his reports direct to the county auditor, and receive and pay out all moneys belonging to his district.



When,

On motion by Mr. Henry,  
The resolution was laid on the table.

#### BILLS INTRODUCED.

Mr. Hicks obtained leave and introduced,

No. 135. A bill creating the office of Attorney General and matters properly connected therewith.

Which was read a first time and passed to a second reading.

Mr. McDonald of Lake, raised the question of order, on the ground that the subject matter of the bill had been indefinitely postponed.

The Speaker overruled the point of order.

From which decision, Mr. McDonald of Lake appealed.

The question then being, "Shall the decision of the chair stand as the judgment of the House?"

It was decided in the affirmative.

So the decision of the chair stands as the judgment of the House.

Mr. Donald obtained leave and introduced

No. 136. A bill amendatory of, and supplementary to the 64th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to consolidate townships in certain cases, for the purpose of assessment.

Which was read a first time and passed to a second reading.

Mr. Farnsley obtained leave and introduced

No. 137. A bill concerning license to vend foreign merchandize.

Which was read a first time and passed to a second reading.

Mr. Shelby obtained leave and introduced

No. 138. A bill to correct a misprint in the first volume of the Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

Mr. Pratt obtained leave and introduced

No. 139. A bill requiring clerks of the circuit courts and courts of common pleas, to pay the postage on letters inclosing any process or order of those courts, and requiring the Clerk of the Supreme Court to pre-pay the postage on letters inclosing any process or certified copy of any order, opinion or judgment of that court, and prescribing the mode of their reimbursement.

Which was read a first time and passed to a second reading.

Mr. Richardson obtained leave and introduced

No. 140. A bill to correct and define more correctly, the boundary line between the counties of Warrick and Spencer.

Which was read a first time and passed to a second reading.

Mr. Shelby obtained leave and introduced

No. 141. A bill to require the boards of county commissioners to furnish safes for the use of the clerk of circuit and common pleas courts, of their respective counties.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

Mr. Hicks moved to take from the table, bill of the Senate No. 42, a bill to appoint J. W. Cummins an agent to proceed to Washington city, and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, to be placed to the credit of the State upon the books of the General Government, and also, to provide for his compensation therefor.

Which was agreed to.

Mr. Hicks moved to refer the bill to the committee on Ways and Means.

Mr. Scott moved to amend the motion of reference to the select joint committee on the three per cent fund.

Which was agreed to.

Mr. Work moved to take from the table House bill No. 19, a bill to amend the 43d, and 45th sections of "an act to provide for the opening, vacating, and change of highways," approved June 17, 1852.

Which was agreed to.

When,

On motion by Mr. Ryan,

The bill was indefinitely postponed.

A message from the Governor by Mr. King, executive messenger:

#### MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 13. An act to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9th, 1852, amending section 2, and repealing section 3 of said act.

No. 19. A joint resolution relative to the Michigan City harbor.

No. 20. A joint resolution relating to the construction of a canal around the falls of the Ohio.

No. 49. An act to authorize voluntary associations to hold and convey property.

Which bills originated in the House of Representatives.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House:

No. 22. A bill to repeal section six of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852.

No. 59. A bill to prevent and punish frauds in the use of false stamps and labels.

With the following engrossed amendments.

In which the concurrence of the House is respectfully requested.

House bill No. 22, contained in the foregoing message, with accompanying engrossed amendments,

On motion by Mr. Scott,

Were referred to the committee on the Judiciary.

The engrossed amendments of the Senate to bill of the House No. 59, contained in the foregoing message, were concurred in by the House.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bills thereof:

No. 63. A bill to repeal section 3, of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved May 13, 1852.

No. 65. A bill to amend the 1st, 2d and 3d sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 63 and 65, contained in the foregoing message, were read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 110. A bill to amend the 5th, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and to require banks heretofore organized, and which have commenced operations, under the said act, to comply with the provisions of this act.

Mr. Pratt moved to amend section 2 by adding the following proviso:

*Provided, however, That whenever any bank organized under the*

free banking law and doing a legitimate banking business, and having a local directory, shall have deposited with the Auditor prior to January 1, 1853, any stocks of good solvent States other than those herein named, such bank may continue to bank upon such stocks.

Which was agreed to.

Mr. McDonald of Lake moved to amend section 1st by striking out one dollar and twelve and one-half cents where it occurs, and inserting in lieu thereof one dollar and fifteen cents.

Mr. Donelson moved to amend the amendment by striking out one dollar and fifteen cents and inserting in lieu thereof one dollar and twenty cents.

And the question being put,

The ayes and noes were demanded by Messrs. Donelson and Able.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Dodd, Donald, Donelson, Druley, Dufour, Emery, Farnsley, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Hammond, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McClure, DeDonald of Lake, McKee, McKinney, Milroy, Orr, Peckenpaugh, Price, Richardson, Rockafellar, Shoemaker, Shuman, Simpson, Stackhouse, Struble, Sutton, Turpie, Underwood, Walker of Laporte, Wilson and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Ballard, Brown, Bundy, Burnett, Ferris, Greene, Hamrick, Hendricks, Henry, Jennings, Johnson, Jones of Jennings, Lassel, Martin, McCormick, McDonnell of Sullivan, Moss, Parker, Pratt, Read, Ryan, Scott, Seawright, Service, Shelby, Spencer, Steele, Stephens, Stockwell, Taber, Work and Yount—32.

So the amendment to the amendment was adopted.

And the amendment as amended agreed to.

Mr. Dufour moved to amend section 3, by striking out thirty days and insert in lieu thereof ten days.

When,

On motion by Mr. McDonald of Lake,

The bill and pending amendment were referred to the select committee on Banks.

No. 115. A bill amendatory to chapter 36 of the Code of civil practice;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

A message from the Senate, by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills of the House:

No. 28. An act to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1852.

No. 42. A bill to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.

No. 46. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.

No. 51. A bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

No. 62. An act to enable illegitimate children to inherit in certain cases.

Without amendment.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House, Nos. 101 and 102, and find the same correctly engrossed.

Mr. Hooper, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval, the following bills No. 13, 20, 49, and joint resolution No. 19.

On motion by Mr. Manville,

The House adjourned.

2 o'clock, P. M.

House met.

#### ORDERS OF THE DAY RESUMED.

No. 116. A bill touching the relation of guardian and ward, approved June 9th, 1852,

Was read by title; when,

61 H

On motion by Mr. Johnson,

The bill was referred to the committee on the Judiciary.

No. 117. A bill to provide for a more uniform mode of changing county boundaries,

Was read by its title; when,

On motion by Mr. Graham,

The bill was referred to the committee on County and Township Business.

No. 118. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852,

Was read a second time; when,

On motion by Mr. Underwood,

The bill was referred to the committee on the Judiciary.

No. 119. A bill to amend an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, approved June 14, 1852,

Was read by its title; when,

On motion by Mr. Moss,

The bill was referred to the committee on Education.

No. 120. A bill to provide for the immediate distribution of the Revised Statutes of 1852, and prescribing when the same shall take effect.

Was read a second time and ordered to be engrossed.

No. 121. A bill to provide for the re-location of county seats, and for the erection of public buildings,

Was read a second time.

Mr. Spencer moved to amend by adding as follows:

SEC. —. That if any donations have heretofore been made to any county, for the location of the seat of justice of such county, or the erection of any public buildings of said county, then, before the board of county commissioners of such county shall proceed to remove the county seat, under the provisions of this act, they shall pay, or cause to be paid, to the donor or donors, their heirs or legal representatives, the amount so donated, with six per cent. interest thereon from the date of such donation, out of the county treasury; and on failure to comply with the provisions of this section, the county seat shall in no case be removed.

When,

On motion by Mr. Hamrick,

The bill and pending amendment were referred to the committee on county and township business.

No. 123. A bill to amend the 29th, 30th and 31st sections of an act, approved June 14, 1852, entitled "an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith."

Was read by its title; when,

On motion,

The bill was referred to the committee on Education.

## HOUSE BILLS ON THIRD READING.

No. 48. A bill to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Emery, Farnsley, Ferris, Ferguson, Fleming, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenapugh, Pratt, Price, Richardson, Rockefeller, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—78.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 90. A bill to amend the 19th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Ferguson, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenapugh, Pratt, Price, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—79.

Messrs. Shelby and Struble voting in the negative.

Mr. Turpie refusing to vote.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 95. A bill to authorize and empower township clerks, and township trustees, to administer all oaths, when required in doing township business.

Was read a third time; when,

On motion by Mr. Spencer,

The bill was laid on the table.

No. 97. A bill amendatory of the second section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned, of June 18, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Bundy, Burnett, Clark, Cooper, Dodd, Donelson, Dyer, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Harris, Henry, Hendricks, Hicks, Howell, Hunt, Hooper, Jennings, Johnson, Jones of Boone, Lasselle, Lewis, Lines, Lemmon, Lowe, Manville, Maxfield, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Scott, Service, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Sutton, Turpie, Underwood, Walker of Laporte, Wilson, Yount and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Druley, Emery, Greene, Handy, Jones of Boone, McCormick, Price, Ryan, Seawright, Shelby, Shoemaker, Spencer, Stackhouse, Taber and Work—18.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Pratt,

No. 74. A bill to amend section 3, of an act entitled "an act repealing all former acts of the Legislature except those therein named," approved June 18, 1852, and to transfer to the court of common pleas, all indictments for misdemeanors pending in the circuit courts of this State.

Was taken from the table.

The question then being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hicks, Howell, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Wilson and Yount—73.

*Those who voted in the negative were,*

Messrs. Hendricks, Henry, Jones of Boone, Lasselle, McClure, Ryan, Shuman, Spencer, Work and Mr. Speaker—10.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTION ON THIRD READING.

No. 22. A joint resolution in regard to the distribution of public documents.

Was read a third time.

The question then being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Burnett, Cooper, Dodd, Donald, Dufour, Dyer, Emery, Ferris, Gentry, Goodman, Greene, Hamrick, Harris, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McKinney, Richardson, Scott, Shoemaker, Stackhouse, Steele, Stockwell, Sutton, Turpie, and Yount—41.

*Those who voted in the negative were,*

Messrs. Ballard, Bundy, Clark, Donelson, Druley, Farnsley, Ferguson, Fleming, Graham, Handy, Hendricks, Henry, Hicks, Jennings, Johnson, Lewis, McDonald of Lake, McKee, Milroy, Moss, Orr, Peckenaugh, Pratt, Price, Read, Rockafellar, Ryan, Seawright, Service, Shelby, Shuman, Simpson, Spencer, Stevens, Struble, Taber, Underwood, Walker of Laporte, Wilson, and Work—40.

Mr. Speaker refusing to vote.

So the joint resolution did not pass, for want of a constitutional majority.

SENATE BILLS ON THIRD READING.

No. 12. A bill to authorize foreign guardians to sell real estate of their wards in this State;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Graham, Greene, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Jennings, Lasselle, Lemmon, Lines, Lewis, Lowe, Manville, Maxfield, McClure, McCormick, McDonald of Lake, McKee, McKinney, Milroy, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Ballard, Hamrick, Henry, Johnson, Jones of Boone, Jones of Jennings, Rockafellar, Ryan, Seawright, and Shelby—10.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Auditor of State in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, February 9, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR,—I have the honor to acknowledge the receipt of the following resolutions adopted by the House of Representatives, to-wit:

1. *Resolved*, That the Auditor of State be requested to inform this House at his earliest convenience, what amount of money annually, for the last five years, has been paid to attorneys employed on behalf of the State of Indiana.

2. *Resolved*, That the Auditor of State be requested to inform this House at his earliest convenience, what amount of postage has

accrued up to the present time on account of documents and newspapers sent through the post office by members of the General Assembly during the present session. Also, the probable amount at the termination of the same, chargeable on the Treasury of this State.

In reply to the first resolution, I would state that the amount of fees paid attorneys for attending to suits brought by or against the State for the last seven years is as follows, viz:

Amount paid for five years previous to Jan. 21, 1851, according to a communication from the Auditor of State to the Constitutional Convention.....	\$1,960 00
Amount paid since January 21, 1851, up to the present time, (2 years).....	1,805 00
Total,.....	\$3,765 00
Estimated amount yet remaining unpaid, for which the State is liable, about.....	3,000 00

Total,.....	\$6,765 00
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In reply to the second resolution, the amount of postage paid up to this date, is as follows, viz:

On Newspapers and documents sent by the members of the Senate.....	\$268 42
On newspapers and documents sent by members of the House of Representatives.....	202 09
Total,.....	\$470 51

According to the above, the probable amount at the close of the session will be about one thousand dollars.

I am, very respectfully,

JOHN P. DUNN,  
*Auditor of State.*

Which,

On motion by Mr. Hicks,

Was laid on the table.

The speaker laid before the House the following communication from the State Librarian, with the accompanying report :

STATE LIBRARY, }  
INDIANAPOLIS Feb. 9, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR: Please lay the accompanying report before the body over which you have the honor to preside.

Very respectfully,  
N. BOLTON,  
*State Librarian.*

STATE LIBRARY, }  
INDIANAPOLIS, February 1, 1853. }

*To the General Assembly of the State of Indiana :*

The State Librarian, in pursuance of the duty enjoined upon him by law, respectfully makes the following report :

The works mentioned in the following list, have been added to the State Library since the 31st of October, 1851 :

29 vols. Philosophical Transactions of Royal Society of London, quarto.....	\$29 00
3 vols. Sulley's Memoirs, quarto.....	6 00
3 vols. De Rets' Memoirs, 12mo.....	4 00
2 vols. Charlevoix Paraguay, 12mo.....	3 50
2 vols. Hilburton's History of Nova Scotia, 8 vo.....	3 25
2 vols. Galt's Pictures, 12mo.....	2 50
1 vol. Brown's Portrait Gallery, quarto.....	6 25
4 vols. Lives of the Saints, by Butler, 8 vo.....	5 50
1 vol. Simpson's North Coast, 8 vo.....	1 50
3 vols. Thompson's Memoirs of the Jacobites, 8 vo.....	4 00
1 vol. Geiger's History of the Swedes, 8 vo.....	1 50
2 vols. Johnson's Abyssinia, 12 mo.....	2 50
2 vols. Richardson's Travels, 12 mo.....	2 50
2 vols. Autobiography of Sir Simon D'Ewes, 8 vo.....	2 75
1 vol. Sharpe's Egypt, 12 mo.....	1 75
1 vol. Brown's New Zealand, 12 mo.....	1 75
1 vol. Madagascar, 12 mo.....	75
2 vols. Schnitsler's Secret History of Russia, 8 vo.....	2 50
5 vols. Tooke's History of Russia, 12 mo.....	7 50
5 vols. Voltaire's Universal History, 8 vo.....	8 00
2 vols. Granville Penn's Life of Admiral Penn, 8 vo.....	2 75
2 vols. Courtney's Sir William Temple, 8 vo.....	2 75
1 vol. Smith Biographical Illustrations, 8 vo.....	1 50
1 vol. Life of Judge Jeffries, 8 vo.....	1 25
1 vol. William's Life of Sir Matthew Hale, 12mo.....	1 00
1 vol. Slavic Literature, 12 mo.....	1 00
1 vol. History of Ireland, by Abbe Mac Geoghegan, 8 vo...	2 00
1 vol. Rise and Fall of the Irish Nation, 12mo...	1 00
3 vols. St. John's Greece, 8 vo.....	3 50
2 vols. Campbell's Life of Petrarch, 8 vo.....	2 50
1 vol. Holmes's Caspian, 8 vo.....	1 50
1 vol. Cist's History of Cincinnati for 1851, 12 mo.....	1 25
1 vol. Pennington's Life of Mrs. Carter, 12 mo.....	1 25
2 vols. Railroad Charters, 8 vo.....	6 00
2 vols. Hogarth, quarto.....	9 00
2 vols. Michelet's France, 8 vo.....	2 75
1 vol. Post Office Guide.....	1 25

3 vols. Life and Works of John Adams, (3d, 4th and 5th vols.) 8 vo .....	\$6 75
1 vol. Mahew on Education, 12 mo.....	1 00
1 vol. American Almanac for 1851, 12mo.....	1 00
2 vols. Jefferson's Manual, 16 mo.....	1 00
1 vol. Blind Man's Offering, 12 mo.....	1 00
6 vols. Iconographic Encyclopedia, quarto and 8 vo.....	40 00
1 vol. Tefit's Hungary, 12mo.....	1 00
1 vol. Lamartine's French Revolution, 12 mo.....	75
25 vols. Hunt's Merchant's Magazine from vol. 1 to vol. 25, inclusive, 8 vo.....	75 00
National Intelligencer, Washington Union, Democratic Review and Whig Review.....	21 00
Kendall's War with Mexico Illustrated, folio.....	40 00
1 vol. of Prison Life, 12 mo.....	75
2 vols. Indiana Statesman.....	4 00
3 large maps of Indiana for use of Library and Representative Hall and Senate Chamber (subscription by Mr. Dillon)...	18 00
2 vols. Squier's Nicaragua.....	5 00
1 vol. Self-Made Men, 12mo.....	25
1 vol. Expedition to Borneo, 12 mo.....	25
1 vol. Literature and Literary Men, 12 mo.....	1 00
1 vol. Music as it was and is, 12 mo.....	50
1 vol. West Indies, Madeira, Mexico and New Orleans, 12mo.....	1 00
1 vol. Shallers' Tables, 12 mo.....	50
1 vol. Last Enemy, 12 mo.....	75
1 vol. School Architecture, 8vo.....	75
1 vol. Oregon Missions, 12mo.....	75
1 vol. Life and Death of Dr. Samuel Johnson, 12mo.....	88
1 vol. England and its People, 12 mo.....	1 00
1 vol. Trevis and the Valley of the Meuse, 12mo.....	50
1 vol. Getty's Oratory, 12 mo.....	75
1 vol. Historical Anecdotes, 12 mo.....	25
1 vol. Life and Writings of Algernon Sidney, 12 mo.....	75
1 vol. Dictionary Poetical Quotations, 8 vo.....	2 00
1 vol. Epoch of Creation, 12 mo.....	75
1 vol. Fowler's English Language, 8vo.....	\$2 00
1 vol. Hand Book of Oil Painting, 12mo.....	1 00
1 vol. Hart's Romance of Yatching.....	50
1 vol. Reminiscences of Southey and Coleridge, 12mo.....	50
1 vol. Metropolitan Pulpit, 12mo.....	50
1 vol. Ancient Ecclesiastical Architecture, 8vo.....	3 00
Daily State Sentinel, one year.....	5 00
Daily State Journal, two years.....	10 00
Colton's Large Map of the United States.....	10 00
2 vols. Hunt's Merchant's Magazine for 1852.....	5 00

With regard to "Kendall's War with Mexico illustrated," the price paid by the State was only \$6.40 for a work that costs \$40.00. The Hon. Phineas M. Kent purchased this work in the city of New York, during the recess of the Legislature, and donated his mileage of \$33.60 towards its payment.

The Librarian has not made as large an accession to the library as usual, the past year, as he wished to make purchases under the law passed at the last session of the Legislature, which is just published in the Revised Code. He has also delayed his report until this time, that he might embody the bills for repairs to the State House, under the act of the last Legislature, which were not fully completed, until after the commencement of the present session.

The library is greatly in need of a printed catalogue of the books found therein, and the Librarian hopes that the bill introduced at the last session, which received a large majority of votes, but which only failed for the want of a constitutional majority, or one of a similar character, may be passed at the present session.

If the committee on the State Library should suggest the purchase of any particular books, the Librarian will be pleased to comply with their wishes, during the ensuing year.

#### EXCHANGES AND DONATIONS.

The works mentioned in the following list, have been received at the State Library since the first of November, 1851, from the General Government, the several States, and other sources:

Journal of the House of Representatives, 2d session 31st Congress, 1850-51; 2 vols.

Laws of Connecticut, public and private, for 1851, 3 vols. each.

Laws of Pennsylvania for 1851, 1 vol.

American Archives, 5th series.

An inquiry in relation to War, from the society of Friends.

Smede's and Marshall's Mississippi Reports, 1 vol.

Laws of Missouri, 1851; 3 vols.

De Bow's Review, 11th vol., presented by Hamilton Smith.

Journals of the Senate and House of New Hampshire.

Hints on Public Architecture, by Robert Dale Owen, presented by Smithsonian Institution, through Hon. T. A. Hendricks.

New Jersey Zabriskie's Reports, vol. 2.

Synoptical Index of all the Laws of the United States.

Journal of the Connecticut House of Representatives for 1851.

Laws of New York for 1851; 2 vols.

Journal of the Senate of Connecticut for 1851.

Works of John C. Calhoun; 1st vol.

Picket's History of Alabama, 1st and 2d vols.

B. Monroe's Reports; 11th vol.

Iredell's Equity Reports; 7th vol.

- Iredell's Law Reports; 12th vol.  
 Angel's Rhode Island Reports; 1st vol.  
 Laws of Rhode Island for 1851; 1 vol.  
 Report of the Condition of Public Schools in Rhode Island, by Elisha R. Potter, School Commissioner.  
 Texas Reports; 3d vol.  
 Historical Collections of Louisiana; 1 vol.  
 Cushing's Massachusetts Reports; 3d vol.  
 Maine Reports; 31st vol.  
 Documents of 2d Session of 31st Congress; 2 sets.  
 Annals of Congress from 1797 to 1801; 4 vols.  
 Executive Documents, 1850-'51; 10 vols.  
 Senate Documents 1850-'51; 5 vols.  
 Senate and House Journal; 2 vols.  
 Senate Reports, Senate Miscellaneous Reports, House Miscellaneous Reports, and Reports of Committees; 4 vols.  
 Life and Times of John Adams; 4th, 5th and 6th vols.  
 Documentary History of New York, 1851; 2d vol.  
 Assembly Documents of New York, 1851; 6 vols.  
 Senate Documents of New York, 1851; 3 vols.  
 Senate Journal of New York, 1851; 1 vol.  
 Assembly Journal of New York, 1851; 2 vols.  
 Catalogue of Maps and Surveys of New York; 1 vol.  
 Georgia Reports; 9th vol.  
 Bache's Coast Survey, &c., presented by Hon. Thomas A. Hendricks; 1 vol.  
 Illinois Reports; 12th vol.  
 Laws of Minnesota—Statute and Session Laws for 1851; 2 vols.  
 Journal of Council of Minnesota; 3 vols.  
 Laws of South Carolina, 1851; 2 vols.  
 Comstock's Reports; 4th vol.  
 Laws of Texas for 1852; 2 vols.  
 Georgia Reports; 10th vol.  
 Statutes of California for 1851; 1 vol.  
 Journals of California Legislature for 1851; 1 vol.  
 Hartley's Digest of the Laws of Texas; 1 vol.  
 Annual Report of the Regents of N. Y. State University, 65th Report; 1 vol.  
 Laws of Tennessee 1851-'52; 1 vol.  
 Humphrey's Tennessee Reports 1850-'51; 1 vol.  
 Laws of Rhode Island 1851 and for 1852; 2 vols.  
 Revised Statutes of Vermont for 1850; 2 copies.  
 Cobb's Digest of the Statutes of Georgia; 1 vol.  
 Laws of Vermont for 1851; 3 vols.  
 Journal of Senate and House of Vermont; 2 vols.  
 Auditor's Report of Vermont for 1851; 1 vol.  
 Washburn's Vermont Reports; 7th vol.  
 Maps of Washington city; 1 vol.

- Service Afloat and Ashore**, by Lieut. Semmes, of U. S. Navy; 1 vol.  
**Foster's New Hampshire Reports**; 1 vol.  
**New Hampshire Reports**; 15th vol.  
**Laws of New Hampshire**; 3 vols.  
**Florida Reports**; 4th vol.  
**Ohio Reports**; 20th vol.  
**Laws of Ohio for 1852**; 1 vol.  
**Laws of New Jersey for 1852**; 1 vol.  
**Laws of Louisiana for 1852**; 2 vols.  
**United States' Statutes at Large**; 9th vol.  
**Maine Reports**; 32d vol.  
**Laws of the Territory of Utah for 1852**; 1 vol.  
**Laws of Kentucky for 1852**; 1 vol.  
**Johnson's Maryland Chancery Decisions**; 1st vol.  
**Greene's Iowa Reports**; 2d vol.  
**Documents of the Virginia House of Delegates, for 1850-'51**; 2 vols.  
**Journal of the House of Delegates for 1849-'50 and 1850-'51**; 2 vols.  
**Documents of the Virginia House of Delegates**; 1 vol.  
**Laws of Virginia for 1850-'51 and 1851-'52**; 2 vols.  
**Cushing's Massachusetts Reports**; 5th vol.  
**Laws of Massachusetts for 1852**; 3 copies.  
**Revised Code of Alabama for 1852**; 2 copies.  
**Alabama Session Acts for 1852**; 1 vol.  
**Public and Private Laws of Connecticut for 1852**; 3 copies each.  
**Proceedings of the House of Delegates and Journal of the Senate of Maryland**; 2 vols.  
**State Documents and Laws of Maryland, for 1852**; 2 vols.  
**Laws of Maine for 1852**; 1 vol.  
**Laws of Rhode Island for 1852**; 1 vol.  
**Journals of the Senate and House of Representatives of New Hampshire for 1852**; 2 vols.  
**Laws of Pennsylvania for 1852**; 1 vol.  
**B. Monroe's Kentucky Reports**; 12th vol.  
**Iredell's Law Reports**; 13th vol.  
**Laws of the Territory of New Mexico, for 1851**; 1 vol.  
**Revised Statutes of Minnesota and Session Laws of 1851**; 2 vols.  
**Journal of Council and House of Representatives of Minnesota, for 1851**; 2 vols.  
**Laws of Wisconsin for 1852**; 2 copies.  
**Smithsonian Contributions to Knowledge**; 3d and 4th vols.  
**History, Condition and Prospects of the Indian tribes, published by the Smithsonian Institution**; 2d vol.  
**De Bow's Review, for 1852**; 12th and 13th vols.  
**Natural History of New York**; 16th, 17th, and 18th vols.  
**Transactions of State Agricultural Society and American Institute, for 1850**; 1 vol.  
**Documentary History of New York**; 3d and 4th vols.  
**Legislative Journals and Documents, for 1852**; 12 vols.



## BILLS FOR REPAIRING STATE HOUSE, ETC.

Since the 31st of October, 1851, the following bills have been certified by the State Librarian, according to the provisions of "an act to amend the several acts, providing for the preservation of the State House, etc., approved January 15, 1846; and an act authorising the State Librarian to contract for re-covering the State House with fire and water proof composition roofing material, or Boston sheet paper; also, for the repainting of the outside work, and the necessary plastering to the same, approved April 23, 1852." These bills (a particular statement of which follows,) were presented and certified, on account of stationery furnished for the use of the Legislature, and work done, and materials used, in repairing the legislative halls, committee rooms, supreme court room, State library rooms, State House square, etc.

Alfred J. Rooker's bill for glass, putty, glazing and painting,	\$14 95
John B. Stumph's bill for eleven days' work at the State House .....	11 00
Ross and Ray's bill for stationery for use of the Legislature,	3 00
James Hall's bill for gavel for use of Speaker.....	1 00
Jos. Reinhardt's bill for repairing desks, etc.....	10 50
Lingenfelter and Tutewiler's bill for repairing plastering...	3 00
A. and J. Harrison's bill for eighty-one yards of carpeting.	76 95
Eli Atkinson's bill for shrubbery.....	10 00
J. P. Reinhardt's bill for iron bars, &c., for State House...	9 30
George W. Pitts's bill for ice for use of members of Senate and House, at last session .....	5 10
H. S. Kellogg's bill for sundries.....	22 72
Eli Atkinson's bill for putting out fifteen pine trees and insuring them .....	22 50
D. Kreglo's bill for lumber.....	1 60
Ross and Ray's bill for stationery for use of last Legislature,	13 40
Oliver Rice's bill for repairing pump and well at State House.....	2 00
Anthony Kelley's bill for twelve days' work at State House,	12 00
Robert Earl's bill for eight cords of wood .....	18 00
James O'Connell's bill for work at the State House, 10½ days .....	10 50
Robert Earl's bill for fourteen cords of wood for State House.....	31 50
Charles W. Stagg's bill for work at State House and cash paid for sewing carpeting for Senate chamber, and curtains for State library.....	12 25
A. A. Loudon's bill for putting composition roof on State House.....	881 22
James O'Connell's bill for work at State House, sawing wood, etc.....	19 17

Charles W. Stagg, for cash paid for making carpet for Representative hall .....	12 00
Charles Saunders' bill for plastering Representative hall, Senate chamber, committee rooms, supreme court room and hall in lower story of State House .....	489 92
Conrod Whorly and Jacob Stevens's bill for cleaning out chimneys, blacking stoves and pipes, and work at the State House .....	29 20
Lawrence Kennedy's bill for fifty-one days' work at State House, and cash paid for sundries .....	55 60
Samuel S. Rooker & Co.'s bill for painting done at State House, window frames and inside work in lower hall, Representative hall, Senate chamber, committee rooms, &c. ....	626 53
John Lench to forty days' work in November, December, and January, on State House .....	40 00

Respectfully submitted,

NATHANIEL BOLTON,

*State Librarian.*

Which was informally laid on the table.

No. 21. A bill providing for a uniform system for establishing county lines, and locating permanently the corners thereof.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Clark, Cooper, Dufour, Dyer, Emery, Fleming, Gootee, Graham, Greene, Handy, Hendricks, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Lasselle, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McKee, Moss, Peckenpauqh, Price, Read, Scott, Shoemaker, Steele, Stackhouse, Stephens, Stockwell, Struble, Taber, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Dodd, Donald, Druley, Farnsley, Ferris, Ferguson, Gentry, Goodman, Hammond, Hamrick, Harris, Henry, Jones of Boone, Jones of Jennings Lemmon, McDonald of Lake, McKinney, Milroy, Orr, Pratt, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Shuman, Simpson, Spencer and Sutton—32.

So the bill did not pass for want of a constitutional majority.

No. 30. A bill authorizing guardians, executors, and administra-

tors, to lay off the real estate of their wards and decedents, into town lots, and to dedicate streets, alleys and squares to public use, when so ordered by the proper court.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Bundy, Clark, Cooper, Donald, Dufour, Dyer, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Underwood, Walker of Laporte, Wilson, Work and Yount—72.

*Those who voted in the negative were,*

Messrs. Druley Emery, Ryan and Stackhouse—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

The order of business was suspended.

Mr. Milroy chairman of the select committee on temperance, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred divers and sundry petitions of the inhabitants of this State, upon the subject of temperance, have had the same under consideration, and a majority of said committee have instructed me to report

No. 142. A bill to regulate the retailing of spiritous liquors, and for the suppression of evils arising therefrom.

Which was read a first time, and passed to a second reading.

No. 48. A bill to repeal certain acts therein named.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Clark,

Dodd, Donald, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Hunt, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lowe, Manville, Maxfield, McCormick, McDonald of Lake, McKee, McKinney, Moss, Orr, Peckenpaugh, Price, Read, Richardson, Scott, Service, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Turpie, Walker of Laporte, Wilson, Work, and Yount—64.

*Those who voted in the negative were,*

Messrs. Burnett, Cooper, Fleming, Rockafellar, Ryon, Stockwell, and Underwood—7.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Stockwell,

The order of business was suspended, in order to take up house bill,

No. 80. A bill to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of congress, approved Feb. 12th, 1793.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Bundy Burnett, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dyer, Farnsley, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Turpie, Underwood, Walker of Laporte and Wilson—71.

*Those who voted in the negative were,*

Messrs. Ferris, Fleming, Taber and Work—4.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Bundy moved that the House adjourn,

Which motion did not prevail.

No. 33. A bill to amend section 3 of an act entitled an act defining misdemeanors, and prescribing punishment therefor, approved June 14th, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Yount—75.

*Those who voted in the negative were,*

Messrs. Graham, Henry, and Lasselle—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### SENATE JOINT RESOLUTIONS ON THIRD READING.

No. 6. A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario and Lake Erie,

Was read a third time.

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brothwell, Brown, Bundy, Burnett, Cooper, Donald, Farnsley, Ferris, Gentry, Graham, Greene, Hammond, Hamrick, Handy, Harris, Henry, Hicks, Hooper, Howell, Johnson, Lasselle, Lemmon, Lines, Lowe, Manville, McCormick, McDonald of Lake, McKee, McKinney, Moss, Orr, Pratt, Read, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Struble, Taber, Turpie, Walker of Laporte, Wilson, and Yount—51.

*Those who voted in the negative were,*

Messrs. Brecount, Donelson, Druley, Dyer, Emery, Fleming, Goodman, Gootee, Hendricks, Hunt, Jennings, Jones of Boone, Jones of Jennings, Lewis, Maxfield, McClure, Milroy, Peckenpaugh, Price, Richardson, Rockafellar, Ryan, Spencer, Steele, and Work—25.

Mr. Dodd refusing to vote.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

Mr. Lines, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have compared the accompanying enrolled bills of the House with the engrossed bills of the corresponding numbers—28, 42, 46, 51, and 62, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Walker of Laporte,  
The House adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 10, 1853. }

The House met pursuant to adjournment.

Mr. Howell moved a call of the House, which was ordered, and the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Buell, Bundy, Burnett, Donald, Donelson, Druley, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott,

Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Turpie, Underwood, Walker of Rush, Work, and Mr. Speaker—68.

When,

On motion by Mr. Gentry,

A further call was suspended.

Mr. Ballard moved to dispense with the reading of the journal.

Which was not agreed to.

The Clerk proceeded to read; when,

On motion by Mr. Ferguson,

A further reading was dispensed with.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Clark:

A petition from 20 ladies of Montgomery county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Milroy:

A petition from sundry citizens of this State, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Peckenpaugh:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Donald, from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements, to whom was referred that portion of the Governor's message suggesting that provision be made by law for arresting annoying suits against the board of trustees of the Wabash and Erie canal, have had the same under consideration, and believing that said trustees should not be criminally prosecuted for maintaining the structures over the West and East Fork of White River, always contemplated to be built by the State authorities, have directed me to report

No. 26. A joint resolution in regard to criminal prosecutions against the trustees of the Wabash and Erie canal.

Which was read a first time and passed to a second reading.

Mr. Farnsley, chairman of the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture, to whom was referred House bill relative to weights and measures, have had the same under consideration, and have directed me to report the following amendment, after the adoption of which, to recommend its passage.

Amend by adding the following: "Of flaxseed, fifty-six pounds; of barley, forty-eight pounds; of corn meal, fifty pounds."

The amendment was adopted, and the bill ordered to be engrossed.

Mr. Richardson, from the committee on Public Expenditures, made the following report:

MR. SPEAKER:

The committee on Public Expenditures, to whom was referred resolution No. 11, in relation to allowing coroners and constables each one copy of the Revised Statutes, have had the same under consideration and have instructed me to report No. 143, a bill to extend the distribution of the laws of the State of Indiana, to coroners and constables.

Which was read a first time and passed to a second reading.

Mr. Dufour, from the committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee on County and Township Business to which was referred House bill No. 121 and pending amendments, providing for the relocating of county seats and the erection of public buildings, have had the same under consideration, and have directed me to report, that there is evidently great necessity for a general law of this character, and that this bill embraces provisions that will meet all the requirements of the subject; they therefore report the same back with two amendments.

Amend Sec. 3, as follows: *Provided*, That there shall be a sufficient amount of moneys or materials subscribed towards the erection of the public buildings, equal sufficient to replace the aggregate amount, which may have to be repaid to donors or their heirs, as contemplated by the seventh section of this act.

Amend by adding the following section.

Sec. 7. That if any donations have heretofore been made to any county, for the permanent location of the seat of justice of such county, or the erection of the public buildings of said county, then before the board of county commissioners of such county, shall pro-



ceed to remove the county seat under the provisions of this act, they shall pay, or cause to be paid to the donor or donors, their heirs or legal representatives, the amount so donated, out of the county treasury, and on failure to comply with the provisions of this section the county seat shall in no case be removed.

The amendments were concurred in and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Hicks,

*Resolved*, That the members of this House be entitled to one copy each of the Revised Statutes of 1852, to be taken home with them on the final adjournment thereof.

On motion by Mr. Henry,

*Resolved*, That the Secretary of State be respectfully requested to communicate to this House at his earliest convenience, such information as may be in his possession, in relation to the translation of the Revised Statutes of 1852 into the German language; and also, as relates to the payment of Mr. P. Geyser for translating said Statutes.

Mr. Jones of Jennings offered the following resolution:

*Resolved*, That a vote of thanks be and is hereby tendered to the Hon. Alexander McDonald for his clear and intelligent knowledge of parliamentary law, and the obligations each member of this House is under to him, for the corrections which he has applied to the disorderly proceedings of the House.

Which was not adopted.

On motion by Mr. Dyer,

*Resolved*, That the Judiciary Committee be instructed to inquire whether the present law, governing the duties of guardian and ward, gives to the guardian the power to sell land lying in this State, other than in the county where said guardian may have received his appointment, and if not, that said committee report a bill giving said guardian the power to sell the real estate of his ward under the direction of the court appointing him as such guardian.

On motion by Mr. Bridges,

*Resolved*, That the committee on the Judiciary be instructed to examine the 1st section of chapter 28th of the Revised Statutes of 1852, and see whether the same does not conflict with the 23d section of the 1st article of the constitution of this State, and report to this House at as early a day as possible.

On motion by Mr. Turpie,

*Resolved*, That the committee on Swamp Lands be instructed to inquire if any legislative action is needed to secure their lands to parties who have bought of the general government tracts, since selected by the State under the swamp land grant of congress, and if so, to report a bill for that purpose at the earliest opportunity.

On motion by Mr. McClure,

*Resolved*, That the committee on the Judiciary be instructed to inquire and report to this House whether the Secretary of State will not be entitled to pay for the enrolling of the bills of this House in consequence of the statutes of 1852 not being in force, notwithstanding the employment of clerks by the House to enroll said bills. If so, what action on the part of the House will be necessary to remedy the same.

On motion by Mr. Lemmon,

*Resolved*, That the committee on Education be instructed to examine sections 50 and 69 of chapter 98, of Revised Statutes of 1852, and ascertain whether the terms two per cent. in the former and five per cent. in the latter do not conflict with each other, and report to this House by bill or otherwise.

Mr. Hooper offered the following preamble and resolution :

WHEREAS, The State of Indiana, some years since, issued a large amount of canal quarter per cent., six per cent. and bank scrip.

AND WHEREAS, She has suffered in the fraudulent redemption and double issue of the canal and quarter per cent. scrip to the amount of some thirty thousand dollars.

AND WHEREAS, We have now redeemed at the treasury some twelve thousand dollars more of bank scrip than was issued; therefore, be it

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of the State be, and they are hereby instructed to make a full, thorough and rigid investigation of this subject, and if further legislation is necessary to protect the rights of the State, that they report by bill or otherwise.

Which was adopted.

Mr. Read moved to reconsider the vote by which Senate bill No. 7, a bill to authorise railroad companies to connect with railroads in an adjoining State, to consolidate their capital stock, and to authorise railroads to construct roads they may have surveyed and located was referred with instructions.

Which was agreed to.

By consent of the House,

Mr. Read then withdrew the former instructions, and moved to

recommit the bill with the following instructions: To amend by inserting a proviso therein in the following words:

*Provided, however,* And it is hereby expressly declared that no railroad company in this State, the terminus of which is at or within two miles of any city or town on the Ohio river, shall consolidate their road with that of any other company in this State, or short of any company on the opposite side of the river, nor shall run their said road through the streets of said town or city, without the consent of the corporate authorities of said town or city, being in each case thereunto previously obtained.

Add to section 4 the following:

*Provided further,* That nothing in this act shall be construed to repeal or to affect in any manner whatever, the provisions of an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18th, 1852.

On motion by Mr. Cooper,

*Resolved,* That the committee on the Judiciary be instructed to make such alterations and modifications in the law of descents, as is just and necessary.

Mr. Moss offered the following resolution:

*Resolved,* That the committee on the Judiciary to whom was referred House bill No. 37, be instructed to inquire into the expediency of so amending the law of descents, as to allow children of the half blood, to inherit only half as much as children of the whole blood.

Which was not adopted.

#### BILLS INTRODUCED.

Mr. Scott obtained leave and introduced,

No. 144. A bill for the relief of the inhabitants of township 12, north of range 9 west, in Vigo county Indiana, and providing a receiver for certain school moneys, belonging to the common school fund of said township.

Which was read a first time and passed to a second reading.

Mr. Clark obtained leave and introduced

No. 145. A bill to increase the salary of State Librarian.

Which was read a first time and passed to a second reading.

Mr. Johnson obtained leave and introduced

No. 146. A bill to amend "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith."

Which was read a first time and passed to a second reading.

Mr. Hicks obtained leave and introduced

No. 147. An act supplementary to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms,

in civil actions in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Lemmon obtained leave and introduced

No. 148. A bill transferring the marriage registry, and matters properly connected therewith, from the clerks of the circuit courts, to the county recorders.

Which was read a first time and passed to a second reading.

Mr. Orr obtained leave and introduced,

No. 149. A bill authorizing the township trustees in the several townships in this State, to administer oaths.

Which was read a first time and passed to a second reading.

Mr. Moss obtained leave and introduced

No. 150. A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852.

Which was read a first time and passed to a second reading.

Mr. Spencer obtained leave and introduced

No. 151. A bill to provide salaries for prosecuting attorneys, and providing the manner of paying the same.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on second reading.*

No. 124. A bill to provide for the selection and employment of petit jurors, in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of impanneling petit jurors, the number and compensation thereof," approved May 20th, 1852.

Was read a second time, when,

On motion by Mr. Hicks,

The bill was referred to the committee on the Organization of Courts of Justice.

No. 125. A bill to provide for a geological survey of the State.

Was read a second time, when,

On motion by Mr. Farnsley,

The bill was referred to the committee on Public Expenditures.

No. 126. A bill authorizing corporations formed in pursuance of an act entitled an act to provide for the incorporation of railroad companies, approved May 11, 1852, to file in the office of the Secre-

tary of State a certified copy of their articles of association, in lieu of their original articles of association, and legalizing the action of such corporation, in that respect, where such certified copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy,

Was read a second time; when,

On motion by Mr. Hamrick,

The bill was referred to the committee on Corporations.

No. 127. A bill to repeal an act entitled an act supplemental to an act entitled an act to provide for the incorporation of railroad companies, approved June 18, 1852,

Was read a second time; when

Mr. Torbet moved to indefinitely postpone the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Torbet and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Burnett, Clark, Dodd, Donald, Druley, Dufour, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Hammond, Handy, Harris, Hendricks, Henry, Howell, Hunt, Lasselle, Lemon, Lewis, Lines, Martin, McDonnall of Sullivan, McKee, McKinney, Parker, Peckenpaugh, Pratt, Price, Read, Scott, Shelby, Shuman, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Turpie, Wilson, Work, Yount, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Buell, Bundy, Cooper, Donelson, Dyer, Ferguson, Greene, Hamrick, Henton, Hooper, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, Milroy, Moss, Orr, Richardson, Rockafellar, Ryan, Service, Shoemaker, Simpson, Taber, Underwood, Walker of Laporte, and Walker of Rush—33.

So the bill was indefinitely postponed.

No. 128. A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,

Was read by its title, and,

On motion by Mr. Druley,

Referred to the Judiciary committee.

No. 129. A bill to repeal the 48th, 49th, and to amend the 50th section of an act entitled an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7th, 1852,

Was read by its title, and,

On motion by Mr. Graham,

Referred to the committee on the Judiciary.

No. 130. A bill to amend an act regulating descents, and the apportionment of estates,

Was read by its title; and,

On motion by Mr. Graham,

Referred to the committee on the Judiciary.

No. 131. A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies,

Was read by its title, and,

On motion by Mr. Graham,

Referred to the committee on Corporations.

No. 132. A bill to amend an act entitled an act regulating the fees of officers, approved June 16th, 1852.

Was read a second time;

Mr. Manville moved to refer the bill to the committee on Ways and Means.

Mr. McDonald of Lake moved to amend by adding with instructions to inquire into the expediency of making the same provision as to county treasurers.

Which was agreed to, and the bill referred to the committee on Ways and Means.

#### SENATE BILLS ON SECOND READING.

No. 43. A bill to repeal part of the 1st section of an act entitled an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio river Railroad company, approved Feb. 11th, 1851.

Was read by its title, and,

On motion by Mr. Johnson,

Referred to the committee on corporations.

No. 53. A bill to authorize and regulate suits against the State.

Was read a second time,

Mr. Pratt moved to amend section 1st, by striking out the words "in the Marion circuit court," and inserting in lieu thereof, in any circuit court of this State where the claimant may reside.

When,

On motion by Mr. Manville,

The bill and pending amendment were referred to the committee on the Judiciary.

No. 54. A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishments therefor," approved June 14, 1852,

Was read a second time; when,

On motion by Mr. Farnsley,

The bill was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

No. 56. A bill to amend section 1st and section 12th of an act entitled an act to authorize the construction of levees and drains.

Was read by its title, and,

On motion by Mr. Graham,

Referred to the committee on agriculture.

No. 59. A bill to amend an act entitled an act for a more uniform mode of doing township business," approved May 6th, 1852.

Was read a second time; when,

On motion by Mr. Spencer,

The bill was referred to the committee on County and Township business, with instructions to amend said bill so as to conform to the fee bill, as provided for in Revised Statutes, page 290.

No. 61. A bill to change the time of holding circuit courts in the second Judicial circuit.

Was read a second time; when,

On motion by Mr. Farnsley,

The bill was referred to a select committee of one from each county in said Judicial circuit, consisting of Messrs. Farnsley. McClure, Read, Tanner Lewis, Hartley, Lemmon, Stackhouse and Peck-enpough.

No. 62. A bill to amend the fourth section of an act entitled an act touching the relation of guardian and ward, approved June 9, 1852.

Was read by its title, and,

On motion by Mr. Graham,

Referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 86. A bill to extend further time for the completion of the several plank, gravel and McAdamized road companies in this State.

Was read a third time.

Mr. Ryan moved to recommit the bill with the following instructions.

Change the title of section 3, and make it section 4, and insert the following section—

SEC. 3. Any company or organization availing themselves of the provisions of the first section of this act, shall not be entitled to receive any tolls on such road until they have completed four or more consecutive miles within the limits of the house or gate where such tolls are demanded.

When,

On motion by Mr. Pratt,

The bill and instructions were laid on the table.

No. 101. A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized, and gravel roads," approved May 12, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Turpie, Walker of Rush, Wilson, Work, and Yount—80.

Mr. Speaker voting in the negative—1.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 102. A bill for the protection of game.

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Clark, Dodd, Donelson, Druley, Dyer, Ferris, Gentry, Gootee, Handy, Hendricks, Henry, Hooper, Howell, Hunt, Jennings, Lines, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, Milroy, Moss, Price, Read, Ryan, Service, Shoemaker, Shuman, Struble, Walker of Laporte, Walker of Rush, Work and Yount—42.

*Those who voted in the negative were,*

Messrs. Burnett, Donald, Emery, Farnsley, Ferguson, Fleming, Goodman, Graham, Greene, Hammond, Hamrick, Harris, Hicks, Johnson, Jones of Jennings, Lemmon, Lewis, Lowe, Manville, McDonald of Lake, McKee, McKinney, Orr, Peckenpaugh, Pratt, Richardson, Rockafellar, Shelby, Simpson, Spencer, Stephens, Stockwell, Sutton, Taber, Wilson, and Mr. Speaker—36.



So the bill did not pass for want of a constitutional majority.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 74, 112 and 120, and find the same correctly engrossed.

Mr. Hicks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the accompanying enrolled bill of the House No. 59, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Hooper from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval the following bills Nos. 28, 42, 46, 51, 59 and 62.

On motion by Mr. Orr,  
The House adjourned.

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2 o'clock, P. M.

House met.

ORDERS OF THE DAY RESUMED.

*House bills on second reading.*

No. 133. A bill entitled "an act to provide for the distribution of the school fund for the year ending on the fourth Monday in March, 1853.

Was read a second time and ordered to be engrossed.

No. 134. A bill to repeal a joint resolution approved February 12, 1848, and to abolish the office of State Agent for International Literary Exchanges.

Mr. Henry moved to read the bill by its title, and refer the same to the committee on Public Expenditures.

Which was not agreed to.

The bill was then read a second time and ordered to be engrossed.

No. 135. A bill to create the office of Attorney General, and matters properly connected therewith,

Was read by its title; and,

On motion by Mr. Hamrick,

Referred to the committee on the Judiciary.

No. 136. A bill amendatory of, and supplementary to, the 64th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852; and to consolidate townships in certain cases for the purposes of assessment,

Was read by its title; and,

On motion by Mr. Dodd,

Referred to the committee on Ways and Means.

No. 137. A bill concerning license to vend foreign merchandise, Was read a second time.

Mr. Maxfield moved to indefinitely postpone the bill.

And the question being put;

The ayes and noes were demanded by Messrs. Johnson and Farnsley.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Buell, Bundy, Burnett, Clark, Donald, Druley, Dufour, Dyer, Emery, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Peckenpauagh, Pratt, Price, Rockafellar, Ryan, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Able, Dodd, Donelson, Farnsley, Hicks, Jones of Jennings, Lemmon, Manville, McKee, Read, Richardson, and Tanner—12.

So the bill was indefinitely postponed.

No. 138. A bill to correct a misprint in the first volume of the Revised Statutes of 1852,

Was read a second time; when,

On motion by Mr. Walker of Laporte,

The bill was referred to the committee on Education.

No. 139. A bill requiring clerks of the circuit court and courts of common pleas to pre-pay postage on letters inclosing any process or order of those courts, and requiring the clerk of the supreme court to pre-pay the postage on letters inclosing any process or certified copy of any order, opinion or judgment of that court, and prescribing the mode of reimbursement,

Was read a second time and ordered to be engrossed.

No. 141. A bill to require the boards of county commissioners to furnish safes for the use of the clerks of the circuit and common pleas courts of their respective counties,

Was read a second time; when,

On motion by Mr. Orr,

The bill was referred to the committee on County and Township business.

No. 140. A bill to correct and define more correctly the boundary line between the county of Warrick and Spencer,

Was read by its title; and,

On motion by Mr. Graham,

Referred to a select committee consisting of Messrs. Richardson, Able, Graham, Lowe and Stackhouse.

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom,

Mr. Manville moved that the bill be read by its title, laid on the table, and 200 copies printed.

Which was not agreed to.

The bill was then read a second time.

Mr. Johnson offered the following amendments:

Amend the 1st section by striking out all after the word "genuine" and insert the following:

"And upon the filing of the consent of such majority in the auditor's office, it shall be obligatory upon all the legal voters of such city, town, or township, to purchase their liquor of such retailer, and in such quantity as a majority of said city, town or township, shall think necessary to be used."

Further amend by striking out all of section 17, and inserting in lieu thereof:

Sec. —. All laws and parts of laws requiring the obtaining or granting of license for the retailing of spiritous liquors, or otherwise

conflicting with the provisions of this act, be and the same is hereby repealed.

Mr. Pratt moved that the bill and pending amendments be laid on the table, and 200 copies printed.

Mr. Johnson called for a division of the question;

And the question being first on printing 200 copies,

It was decided in the affirmative.

The question then being on laying the bill and pending amendments on the table,

It was agreed to.

So the bill and pending amendments were laid on the table, and 200 copies ordered to be printed.

#### SENATE BILLS ON SECOND READING.

No. 63. A bill to repeal section 3 of an act entitled "an act touching vacancies in office, and filling the same by appointment, approved May 13, 1852;

Was read a second time, when,

On motion by Mr. Turpie,

The bill was referred to the committee on the Judiciary.

No. 65. A bill to amend 1st, 2d and 3d sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutes, and missionary boards, approved May 13, 1852:

Was read a second time, when,

On motion by Mr. Hamrick,

The bill was referred to the committee on Education.

#### HOUSE BILL ON THIRD READING.

No. 112. A bill to amend the 5th section of an act entitled "an act for a more uniform mode of doing township business;

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Buell, Brothwell, Brown, Bundy, Burnett, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker,

Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Service, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Walker of Laporte, Walker of Rush, Wilson and Work—77.

*Those who voted in the negative were,*

Messrs. Emery, Jennings, McClure, Scott, Shelby, Spencer, Steele Taber and Mr. Speaker—9.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 120. A bill to provide for the immediate distribution of the Revised Statutes of 1852, and prescribing when the same shall take effect;

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Brown, Clark, Farnsley, Hendricks, Hooper, Maxfield, Moss, Read, Ryan, Scott, Shelby, Struble, Taber, Tanner and Mr. Speaker—17.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Buell, Bundy, Burnett, Chapin, Dodd, Donald, Donelson, Druley, Dufour, Emery, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Manville, McClure, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Walker of Rush, Wilson and Work—66.

So the bill did not pass.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 25. A joint resolution in relation to the repeal of the franking privilege.

Was read a second time and ordered to be engrossed.

On motion by Mr. Buell,

The report from the committee on Ways and Means, containing

No. 30, a bill to abolish poll taxation, except as regards roads and schools;

Was taken from the table,

And the question being on concurring in the report and indefinitely postponing the bill,

It was decided in the affirmative.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following resolution :

*Resolved*, The House concurring, that the Superintendent of the Insane Asylum be directed to receive as a patient, Charles N. Norris of Daviess county, who is now in this vicinity; he being recently insane and having wandered off from his friends.

In which the concurrence of the House is respectfully requested.

The resolution contained in the foregoing message was reciprocated by the House.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following joint resolution thereof:

No. 9. A joint resolution relative to granting pensions to widows and orphans.

In which the concurrence of the House is respectfully requested.

Senate joint resolution No. 9, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties, and fixing their fees.

In which the concurrence of the House is respectfully requested.

Senate bill No. 67, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Dufour moved to take from the table bill of the Senate

No. 8. A bill to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest.

Which was agreed to.

Mr. Pratt moved to recommit the bill with the following instructions:

*Provided, however,* That the testimony of Indians and negroes, and of persons possessing one-eighth part or more of negro blood shall be admissible in all suits and legal proceedings where white persons alone are parties, and where a white person and the State are parties, and the credibility of such testimony to be left in all cases to the court or jury trying the matter at issue.

And the question being put,

The ayes and noes were demanded by Messrs. Dufour and Howell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brothwell, Donald, Ferris, Greene, Hammond, Harris, Hendricks, Henry, Hooper, Hunt, Jennings, Lasselle, Martin, Maxfield, McDonald of Lake, Milroy, Moss, Orr, Pratt, Price, Ryan, Service, Shoemaker, Shuman, Spencer, Taber, Walker of Laporte, Walker of Rush, and Work—30.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Hartley, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Manville, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Peckenpaugh, Read, Richardson, Rockafellar, Scott, Shelby, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Underwood, and Wilson—58.

So the bill was not recommitted with instructions.

Mr. McDonald of Lake moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Dufour.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brothwell, Brown, Bundy, Donald, Donelson, Ferris, Greene, Hammond, Harris, Hartley, Hendricks, Henry, Hooper, Hunt, Jennings, Lasselle, Martin, Maxfield, McDonald of Lake, Milroy, Moss, Orr, Pratt, Price, Ryan, Service, Shoemaker, Shuman, Spencer, Stockwell, Taber, and Walker of Laporte—33.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Buell, Burnett, Chapin, Clark, Dodd, Druley, Dufour, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Lemmon, Lewis, Lines, Manville, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Peckenpough, Read, Richardson, Rockafellar, Scott, Shelby, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Tanner, Turpie, Underwood, and Wilson—53.

So the bill was not laid on the table.

Mr. Johnson called for the previous question; pending which, Mr. Pratt moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brothwell Brown, Bundy, Donald, Ferris, Greene, Hammond, Harris, Hendricks, Henry, Hooper, Hunt, Jennings, Lasselle, Martin, Maxfield, McDonald of Lake, Milroy, Moss, Orr, Pratt, Price, Ryan, Service, Shoemaker, Shuman, Spencer, Stockwell, Walker of Laporte, Walker of Rush and Work—33.

*Those who voted in the negative were,*

Messrs. Able, Bridges, Buell, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Hartley, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Manville, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Peckenpough, Read, Richardson, Rockafellar, Scott, Shelby, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Wilson, and Mr. Speaker—56.

So the House refused to adjourn.

Then question then recurring on the call for the previous question, The call was seconded by the House.

On motion by Mr. Dufour,

A call of the House was ordered.

The clerk then proceeded with the call,

When,

On motion by Mr. Johnson,

The further call was suspended.



The question then being, "shall the main question be now put,"  
 It was decided in the affirmative.  
 The question then being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brown, Buell, Bundy, Burnett, Clark, Chapin, Dodd, Donelson, Druley, Dufour, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Hamrick, Handy, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Manville, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Peckenpaugh, Read, Richardson, Rockafellar, Scott, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie, Underwood, Walker of Laporte, and Wilson—58.

*Those who voted in the negative were,*

Messrs. Donald, Ferris, Greene, Harris, Hendricks, Hooper, Hunt, Jennings, Shuman and Taber—10.

Messrs. Cooper, Gootee and Service, refusing to vote—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Howell,  
 The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
 February 11, 1853. }

House met pursuant to adjournment.

On motion by Mr. Orr,  
 The reading of the Journal was dispensed with.  
 Mr. Work moved a call of the House.  
 Which was ordered.

The Clerk proceeded to the call when the following members answered to their names, viz.:

Messrs. Able, Brecount, Brothwell, Brown, Bundy, Burnett, Chapin, Clark, Donald, Donelson, Druley, Dufour, Dyer, Emery, Farnsley, Ferris, Ferguson, Freeland, Gentry, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pekcenpaugh, Price, Richardson, Rockafellar, Scott, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—75.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Brothwell:

A petition from 93 voters and 84 ladies of Noble county, on the subject of temperance.

Which was referred to the committee on Temperance.

By Mr. Brown:

A memorial from sundry citizens of Marshall and Starke counties asking the Legislature to define the right of petition, &c.

Which was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Work:

A petition from 101 citizens of the State of Indiana, on the subject of temperance.

Which was referred to the committee on Temperance.

On motion by Mr. Manville,

Leave of absence was granted to Mr. Orr till Tuesday next.

On motion by Mr. Gootee,

Leave of absence was granted to Mr. Yount till Tuesday next.

On motion by Mr. Scott,

Leave of absence was granted to Mr. Goodman till Tuesday next.

#### REPORTS FROM COMMITTEES.

Mr. Fleming, from the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education to whom was referred Senate bill No. 65, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Ferris from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred House bill No. 119, an act to amend an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, have had the same under careful consideration, and have directed me to report it back, and recommend its indefinite postponement.

On motion by Mr. Struble,

The report was laid on the table.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred House bill No. 138, have had the same under consideration, and respectfully report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred the enclosed resolution, find its provisions embodied in House bill No. 128; they therefore report the same back to this House, and recommend that it be laid upon the table.

Which was concurred in, and the resolution laid on the table.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred a resolution of the House, have directed me to report that its provisions are inexpedient, and respectfully recommend that it be laid upon the table.

Which was concurred in, and the resolution laid on the table.

## RESOLUTIONS.

On motion by Mr. Manville,

*Resolved*, That the Principal Clerk of the House be instructed to examine the files of this House and the enrolled acts in the office of the Secretary of State, and report to this House what bills are pending and what acts have passed to reconcile conflicts and correct errors in the statutes of 1852.

On motion by Mr. Dyer,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of selling all lands now belonging to the surplus revenue fund and applying the moneys arising therefrom to the school fund, and report by bill or otherwise.

On motion by Mr. Bridges,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of passing a law to regulate and fix the time of taking appeals from the judgment of courts of common pleas, and report by bill or otherwise.

On motion by Mr. Spencer,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the law providing for the assessment and collection of taxes, &c., as to allow individuals to deduct their indebtedness from the amount of total taxables of personal property; provided always, that said indebtedness is within the State of Indiana.

On motion by Mr. Turpie,

*Resolved*, That the Judiciary Committee be instructed to inquire, whether when an enactment contains an emergency clause, it is necessary to make mention of the same in the title thereof.

Mr. Ferris offered the following resolution;

*Resolved*, That the committee on Education be instructed to introduce a bill amending the 29th, 30th, 31st and 32d sections of an act entitled "an act to provide for a general system of common schools, school libraries, and matters properly connected therewith," approved June 14, 1852, so as to retain and distribute the congressional fund, and all taxes for common school purposes, in the counties respectively to which they belong.

Mr. Manville moved to amend by making the resolution one of inquiry.

Which was adopted.

When,

On motion by Mr. Henry,

The resolution as amended was laid on the table.

Mr. Shuman offered the following resolution:

*Resolved*, That the committee on Banks be instructed to report to this House a bill providing for the repeal of an act entitled an "act to authorize and regulate the business of general banking," approved May 28th, 1852, and for the closing up of the business of all banks commenced and doing business under said act.

Mr. Chapin moved to lay the resolution on the table.

And the question being put;

The ayes and noes were demanded by Messrs. Manville and Orr.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brothwell, Brown, Buell, Burnett, Chapin, Clark, Cooper, Dodd, Druley, Emery, Farnsley, Gentry, Goodman, Gootee, Hammond, Hamrick, Hendricks, Henry, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lines, Lowe, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Price, Read, Richardson, Ryan, Scott, Service, Spencer, Stockwell, Walker of Laporte, Wilson and Work—44.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bundy, Donald, Donelson, Dufour, Dyer, Ferris, Ferguson, Fleming, Freeland, Graham, Greene, Handy, Harris, Hartley, Hicks, Hooper, Hunt, Howell, Jennings, Jones of Ripley, Lemmon, Lewis, Manville, Martin, McClure, McKinney, Orr, Peckenpauqh, Rockafellar, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Rush, and Mr. Speaker—47.

So the resolution was not laid on the table.

Mr. Steele moved to amend by adding "and report a good sound system in lieu thereof."

Which was adopted.

When,

On motion by Mr. Hamrick,

The resolution as amended was laid on the table.

On motion by Mr. Richardson,

Messrs. Farnsley and Lemmon, were added to the select committee heretofore appointed on House bill No. 140, "a bill to correct and define more correctly the boundary line between the counties of Warrick and Spencer."

Mr. Howell offered the following resolution:

*Resolved*, That the Auditor of State be requested to report to this

House the number of applications for banks, at his earliest convenience.

Mr. Dufour moved to amend by adding "and the amount of capital."

Which was adopted.

And the resolution as amended was adopted.

#### BILLS INTRODUCED.

Mr. Scott obtained leave and introduced

No. 152. A bill to pay counsel in certain cases.

Which was read a first time and passed to a second reading.

Mr. Freeland obtained leave and introduced

No. 153. A bill granting immunity to Justices of the Peace in certain cases.

Which was read a first time and passed to a second reading.

Mr. Ryan obtained leave and introduced

No. 154. A bill to amend the 14th section of an act entitled "an act providing for the incorporation of bridge companies," approved March 9th, 1852.

Which was read a first time and passed to a second reading.

Mr. Pratt obtained leave and introduced

No. 165. A bill in relation to contracts made by agents or attorneys in fact, under powers of attorney, where the name of the principal has not been employed as the party to be charged, and prescribing the effect of such contract.

Which was read a first time and passed to a second reading.

Mr. Ferris obtained leave and introduced

No. 156. A bill to amend "an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4th, 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on second Reading.*

No. 143. A bill to extend the distribution of the laws of the State of Indiana to coroners and constables.

Was read a second time; when,

On motion by Mr. Manville,

The bill was referred to the committee on County and Township business.

No. 144. A bill for the relief of the inhabitants of township 12, north of range 9 west, in Vigo county, Indiana, and providing a re-

ceiver for certain school moneys belong to the common school fund of said township.

Was read a second time; when,

On motion by Mr. Hamrick,

The bill was referred to the committee on the Judiciary.

No. 145. A bill to increase the salary of State Librarian.

Was read a second time,

Mr. Johnson moved to indefinitely postpone the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Pratt and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount Bridges, Brothwell, Brown, Bundy, Burnett, Dodd, Donald, Druley, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stackhouse, Stephens, Stockwell, Struble, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, and Work—76.

*Those who voted in the negative were,*

Messrs. Buell, Chapin, Clark, Cooper, Gentry, Hicks, Manville, McDonald of Lake, Sutton, Tanner and Mr. Speaker—11.

So the bill was indefinitely postponed.

No. 146. A bill to amend an act to provide for a general and uniform system of common schools, and school libraries, and matters properly therewith connected.

Was read a second time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on Education.

No. 147. A bill supplemental to an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions in the courts of this State—to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Was read by its title, and,

On motion by Mr. Graham,

Referred to the committee on the Judiciary.

No. 148. A bill transferring the marriage registry, and matters

therewith properly connected, from the clerks of the circuit courts to the county recorders.

Mr. Lewis moved to read the bill by its title, and refer the same to the committee on County and Township Business.

Which was not agreed to.

The bill was then read a second time;

Mr. McDonald of Lake moved to indefinitely postpone the bill.

And the question being put;

The ayes and noes were demanded by Messrs. Parker and Ferris.

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dyer, Emery, Ferris, Ferguson, Freeland, Gentry, Goodman, Gootee, Hammond, Handy, Hendricks, Henry, Hooper, Jennings, Jones of Boone, Jones of Ripley, Lasselle, Lines, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Shelby, Spencer, Stackhouse, Steele, Stockwell, Taber, Tanner, Walker of Rush, Walker of Laporte, Work and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Brown, Dodd, Donald, Druley, Dufour, Farnsley, Fleming, Graham, Hamrick, Harris, Hartley, Hicks, Howell, Hunt, Johnson, Jones of Jennings, Lemmon, Lewis, Lowe, Manville, McClure, Parker, Richardson, Rockafellar, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Stockwell, Struble, Sutton and Turpie—37.

So the bill was indefinitely postponed.

On motion by Mr. Chapin,

The order of business was suspended in order to take up the following message from the Senate:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following resolution.

*Resolved*, That, the House of Representatives concurring, the Superintendent of the Asylum for the Insane be instructed to take John Berger, an insane man now in that city, but a resident of Shelby county, to the Asylum, and admit him as a patient into said Hospital.

In which the concurrence of the House is respectfully requested.

Mr. Pratt moved to concur in the resolution of the Senate, with the following amendment:



After the words "admit him," in said resolution, insert the word "temporarily."

Which was agreed to.

Ordered that the clerk inform the Senate thereof.

No. 149. A bill authorizing the township trustees in the several townships in this State to administer oaths,

Was read a second time; when,

On motion by Mr Orr,

The bill was referred to the committee on County and Township business.

No. 150. A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16th, 1852,

Was read a second time.

Mr. Spencer offered the following amendment:

Amend section first by inserting the word "consideration" immediately after the word "premises," in the 8th line of the second page.

Amend section 2d by inserting before the word "contained," in the 8th line, the words "necessarily written on."

On motion by Mr. Pratt,

The bill and pending amendments were referred to the committee on the Judiciary.

No. 151. A bill to provide salaries for district prosecuting attorneys, and providing the manner of paying the same,

Was read a second time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on the Judiciary.

#### SENATE BILL ON SECOND READING.

No. 67. A bill to authorize justices of the peace to issue subpœnas for witnesses to adjoining counties, and fixing their fees,

Was read a second time; when,

On motion by Mr. Ballard,

The bill was referred to the committee on the Judiciary.

#### HOUSE JOINT RESOLUTION ON SECOND READING.

No. 26. A joint resolution in regard to criminal prosecutions against the trustees of the Wabash and Erie canal,

Was read a second time and ordered to be engrossed.

By unanimous consent,

The order of business was suspended; when,

On motion by Mr. McDonald of Lake,

*Resolved*, That when this House adjourns, it will adjourn until Monday morning, at 9 o'clock.

By unanimous consent,  
The order of business was suspended; when,  
On motion by Mr. Parker,

*Resolved*, That the committee on Claims be instructed to inquire into the propriety of allowing the witnesses a reasonable recompense who attended the Marion circuit court on a change of venue from the Tipton circuit in the case of the State vs. Moon for murder in the first degree, and report by bill or otherwise.

Mr. Buell moved to suspend the order of business and take from the table bill of the Senate No. 26, a bill to preserve and restore the records of the supreme court;

Which motion did not prevail.

Mr. Ferris moved to suspend the order of business and take from the table the report containing House bill No. 119, a bill to amend an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, approved June 14, 1852;

Which was not agreed to.

On motion by Mr. Steele,

Leave of absence was granted to Mr. Burnett until Tuesday morning next.

#### HOUSE BILLS ON THIRD READING.

No. 107. A bill to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Hendricks, Hicks, Hooper, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Rockafellar, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Sotckwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Work, and Mr. Speaker—81.

Mr. Shelby voting in the negative—1.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the amendment of the House to the resolution of the Senate in relation to receiving John Berger of Shelby county into the Hospital for the Insane.

No. 121. A bill to provide for the relocation of county seats, and for the erection of public buildings;

Was read a third time; when,

On motion by Mr. Hamrick,

The bill was laid on the table.

On motion by Mr. Peckenpough,

Leave of absence was granted to Mr. McKinney till Monday next.

On motion by Mr. Steele,

Leave of absence was granted to Mr. Brown till Monday next.

No. 133. A bill entitled an act to provide for the distribution of the school fund for the year ending on the fourth Monday in March, 1853.

Was read a third time.

Mr. Jennings moved to recommit the bill with the following instructions: Recommit to the committee on Education with instructions to add

SEC. —. Whenever any tax has been levied and collected in any school district, under the provisions of the school laws in force, prior to the laws created in 1852, for the purpose of being expended in the erection or repair of any school house in such district, and the funds arising from such tax have not yet been expended for such purpose, it shall be the duty of the officer having custody of such fund, to distribute the same to the tax payers of the district from whom the same were collected, in the proportion paid by such tax payers respectively, saving however to the county auditor and treasurers, their fees for their services in the premises; *Provided*, that the money be refunded only where there are contracts made or money due.

Mr. Druley moved that the house adjourn,

Which was not agreed to.

Mr. McDonald of Lake moved to amend the instructions by adding the following proviso:

*Provided however*, That where school houses shall not be used in consequence of new districts, that they shall be sold, and the proceeds paid to the inhabitants of the old district, and also where land was donated the land to revert to the donor.

Which was agreed to.

The question then recurring on recommitting the bill with the instructions as amended,

It was agreed to, and the bill recommitted.

Mr. Ryan moved that the house adjourn.

Which motion did not prevail.

No. 134. A bill to repeal a joint resolution, approved February 12th, 1848, and to abolish the office of State agent for international library exchanges.

Was read a third time.

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Chapin, Clark, Dodd, Donald, Donelson, Druley Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, DeDonall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Taber, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Buell, Cooper, Lemmon, Price and Tanner—5.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Secretary of State, in answer to a resolution of the House:

OFFICE OF SECRETARY OF STATE, }  
INDIANAPOLIS, Feb. 10, 1853. }

Hon. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—I have this day received the following resolution of the body over which you preside, to-wit:

*Resolved,* That the Secretary of State be respectfully requested to communicate to this House at his earliest convenience such information as may be in his possession in relation to the translation of the Revised Statutes of 1852, into the German language, and also as

relates to the payment of Mr. P. Geyser, for translating said Statutes.

In answer to which, I beg leave to say that by an act of the General Assembly of the State of Indiana, approved June 16, 1852, the Secretary of State is directed to have printed in the German language, one thousand copies of the acts passed at said session, and that he should employ a competent person to translate the same who shall receive a compensation not exceeding twenty-five cents per thousand ems. In obedience to said act, Judge Test my predecessor in office, employed Mr. Joseph Knepfler in the translation. After he had completed about 70 pages of the first volume, the remaining portion was given to Mr. Paul Geyser, and the translation of the second volume was confided to Mr. Knepfler.

The translation of the first volume has been completed by Mr. Geyser, making a work of six hundred pages including the index. Mr. Geyser has been paid \$267, on account of this translation, fifteen dollars of which, was for translating marginal notes to the first volume, and for correcting the German translation of the Constitution of the State of Indiana. The above amount was certified to be due Mr. Geyser, by Julius Boetticher, printer of the German edition, for six hundred and eighty pages of work, leaving forty odd pages of index unpaid for.

I would respectfully ask, whether the price fixed by law, for this work is a sufficient remuneration, especially for the index, as it takes more time, especial care, and great mental labor in its preparation.

Mr. Knepfler has deposited 487 pages in manuscript, of the translation of the second volume in this office. I am told he is daily engaged in the work, and suppose he will soon have it completed.

All of which is respectfully submitted:

N. HAYDEN,

*Secretary of State.*

Which,

On motion by Mr. Hamrick,

Was referred to the committee on Claims.

No. 139. A bill requiring clerks of the circuit courts and courts of common pleas to pre-pay postage on letters inclosing any process or order of those courts and requiring the Clerk of the Supreme Court, to pre-pay the postage on letters inclosing any process or certified copy of any order, opinion or judgment of that court, and prescribing the mode of their reimbursement.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Chapin, Clark, Donald, Donelson, Druley, Dyer, Emery, Farnsley,

Ferris, Fleming, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Ferguson, Shelby, Sutton, and Tanner—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTIONS ON THIRD READING.

No. 25. A joint resolution in relation to the repeal of the franking privilege.

Was read a third time; when,

On motion by Mr. Hamrick,

The joint resolution was laid on the table.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

No. 9. A joint resolution relative to granting pensions to widows and orphans.

Was read a second time; when,

On motion by Mr. Gentry,

The joint resolution was referred to the committee on Military Affairs.

A message from the Governor by Mr. King executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 28. An act to repeal an act entitled, "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1849.

No. 42. An act to amend an act entitled, "an act to establish and regulate ferries," approved June 17, 1852.

No. 46. An act to amend an act entitled, "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.

No. 51. An act to amend an act, entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

No. 59. An act to punish and prevent frauds in the use of false stamps and labels.

No. 62. An act to enable illegitimate children to inherit in certain cases.

Which bills originated in the House of Representatives.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 107, 121, 133, 134 and 139, also, joint resolution No. 25 of the House, and find the same correctly engrossed.

On motion by Mr. Milroy,

The House adjourned.

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MONDAY MORNING, 9 o'clock, }  
February 14, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Jones of Ripley,

A call of the House was ordered, and the following members answered to their names viz:

Messrs. Able, Brecount, Brothwell, Buell, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dyer, Emery, Farnsley, Ferguson, Fleming, Gootee, Graham, Hammond, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Jennings, Johnson, Jones of Ripley, Lemmon, Lewis, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McKee, Milroy, Moss, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Sutton, Taber, Tanner, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—68.

When,

On motion by Mr. Jones of Ripley,  
A further call was suspended.

On motion by Mr. Graham,  
The reading of the Journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Buell, chairman of the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred Senate bill No. 32, have had the same under consideration, and have directed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee upon the Judiciary, to whom was referred House bill No. 22, with the engrossed amendment of the Senate thereto, have had the same under consideration, and have instructed me to report the same back, and recommend that the Senate amendment thereto be concurred in. The object of the bill was to repeal a certain section of the Revised Code of last winter in conflict with another. The House bill set out in full the section to be repealed. The Senate amendment proposes to strike out the recital of the section to be repealed. Your committee are of opinion that such recital was unnecessary, and therefore recommend concurrence as aforesaid.

Which was concurred in.

Ordered that the clerk inform the Senate thereof.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a resolution of the House, to inquire into the expediency of making further provisions by law in favor of laborers performing labor on any job for an individual or corporate company, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate further on the subject at this time.

Which was concurred in.



Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom House bill No. 129 was referred, an act to repeal the 48th and 49th sections, and to amend the 50th section of an act regulating general elections, have had the subject of said bill under consideration, and have directed me to report that in the opinion of the committee, the law as it now stands is preferable to the one proposed by said bill. The proposed amendment would deprive the persons acting as judge, clerk and inspector of elections, of obtaining anything for their services, and allows pay only to the board of canvassers. The committee can see no good reason for this distinction. Persons who perform services for the public are entitled to pay, and there is no more reason why public duties should be performed gratuitously than private ones. A fair consideration is an inducement to faithfulness. And where is more vigilance required than in guarding the interests of citizens at the ballot box? The man who labors for the public for pay feels bound to use due diligence; but the person who labors gratuitously feels burthened with the trust, and relieves himself with doing as little as decency will allow. The committee recommend the indefinite postponement of said bill.

Which was concurred in, and the bill indefinitely postponed.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred House bill No. 114, for the relief of Henry Pittenger of Delaware county, together with the petition of divers citizens of that county on that subject, have, according to order, had the same under consideration, and have directed me to report the bill back to the House without amendment, and recommend its passage.

The committee base this recommendation on the ground that the provisions of the bill do not impair the school fund, while they relieve the petitioner of a hardship, should the land be of more value than the original loan and the accumulated interest and costs. The case is one which will not with safety be made the subject of a general law.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred Senate bill No. 63, entitled "A bill to repeal section 3 of an act entitled an act touching vacancies in office, and filling the same by appointment," approved May 13, 1852, have had the same under consideration, and have instructed me to report the same back and recommend [—] the code of last winter in the act relative to boards doing county business provides that if a vacancy occur in said board that the remaining members thereof, with the Auditor of the county, shall fill the same; the section proposed by the bill to be repealed, provides that the judge of common pleas shall fill said vacancy. There being a manifest conflict between the two provisions, the only question was, which should stand. Your committee think that there are many reasons why a judge of common pleas who may not be a resident of the county where the vacancy occurs, and consequently not personally acquainted with the business and men of the county, should not be allowed to fill the same. Said power could always be better exercised by the auditor and the other commissioner or commissioners, in their opinion. They consequently recommend the repeal of the section giving said power to common pleas judges, and the passage of the bill.

The report was concurred in, and the bill ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee to whom was referred Senate bill No. 62, an act amendatory of the fourth section of an act touching the relation of guardian and ward, have had the same under advisement, and have directed me to report that, in their opinion, the amendment is impracticable. The fourth section requires that the person appointed as guardian shall give bond in double the amount of the estate of the ward. The bill herewith returned provides that he shall give bond in double the amount of the rents likely to accrue from the real estate for the whole term of his appointment. Also, in double the amount of the personal property belonging to such estate. This is the only substantial difference between the proposed amendment and the present law. The effect would be to lessen the amount of the bond given by the guardian where the minor was near maturity, and perhaps increase it where the ward was very young. The committee do not deem the change proposed of sufficient importance to alter the law as it now stands, and recommend the indefinite postponement of said bill.

The report was concurred in, and the bill indefinitely postponed.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education, to whom was referred House bill No. 133, with accompanying instructions, have, according to order, made the required amendments, which will be found in section 4, of said bill. The bill as amended is respectfully submitted to the consideration of this House.

Sec. 4. Whatever moneys may have been assessed and collected in any school district under the provisions of laws in force prior to the taking effect of an act entitled "an act to provide for a general and uniform system of common schools, &c.," approved June 14, 1852, for the purpose of repairing or erecting school houses shall be refunded by the officers having them in charge, to the person of whom collected, retaining therefrom the proper fees of such officers; *Provided, however*, that such moneys when expended or when due, or when contracted for shall not be refunded; *Provided, further*, that where school houses shall not be used in consequence of new districts, they shall be sold and the proceeds paid to the inhabitants of the old district, and where land was donated the same shall revert to the donor.

Which was concurred in.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dyer, Emery, Farnsley, Fleming, Gootee, Graham, Hammond, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Sutton, Taber, Tanner, Walker of Laporte, Walker of Rush, Wilson and Work—65.

*Those who voted in the negative were,*

Messrs. Druley, Johnson, McClure, Shelby, Steele and Mr. Speaker—6.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 78, further defining the duties of the clerk and sheriff of the court of common pleas in criminal cases, and fixing their compensation, have had the same under consideration, and instructed me to report the same back to the House with the following amendments, and upon their adoption, to recommend its passage.

1st. Amend by striking out from the enacting clause, and by substituting the following:

That whenever any prosecuting or district attorney shall receive information in writing, verified by the oath or affirmation of the informant, of the commission of any felony, or such district attorney shall receive like information of the commission of any misdemeanor, punishable by law in the court of common pleas of his district, he shall apply to the clerk of the court of the county within which such offence may be committed, whose duty it shall be on the filing of such affidavit, to issue a warrant under the seal of said court, directed to the sheriff or any constable of the county for the apprehension of the accused, returnable forthwith at the court house, or such other place in the county as the judge shall direct; and it shall be the duty of the the clerk to issue subpoenas for such witnesses as shall be required, which subpoena shall specify the time, hour and place, when and where such examination of the charge shall take place, and such subpoenas may be served by any officer authorized by law to serve the warrant of arrest.

SEC. 2. The judge of the court of common pleas shall attend at the time and place of such examination, and shall have the same process of enforcing the attendance of witnesses, and of conducting such examination to a conclusion, and of enforcing all orders made by him in the premises, that are conferred upon him by law in term time.

SEC. 3. The accused shall have the same rights of defence as to continuance and compelling the attendance of witnesses in his behalf as are given him by law when a like accusation is instituted before a justice of the peace.

SEC. 4. It shall be the duty of the judge upon such examination to discharge, or hold to bail the accused person, if the offence be bailable, or in default of bail, or if the offence be not bailable, to commit him to jail as the facts and the law may justify.

SEC. 5. The judge shall have power, whenever the accused is found guilty, to recognize with or without surety, such witnesses as he shall deem important to sustain the prosecution, to appear and testify at the next succeeding term of the court having jurisdiction of the offence.

SEC. 6. It shall be the duty of the clerk, by himself or some person deputed for that purpose, to attend all such examinations, and

in a book provided for that purpose, to docket the case and record the proceedings and decision of the judge.

SEC. 7. In case the accused is committed to jail or held to bail, the clerk shall docket the cause in the proper docket of the next succeeding term of the court having jurisdiction of the offence, and such cause shall stand for trial at such term of the court of common pleas, if a misdemeanor; and for presentation to the grand jury of the next succeeding circuit court, if a felony; and the clerk shall file any recognizance taken of the accused or of a witness.

SEC. 8. Such sheriff, constable and clerk, on failing to perform any duty required by this act, shall be punishable as for official negligence, in the manner provided by law; and shall be allowed the same compensation for their services in the issuing and service of all process necessary in such examination, and in the making of said record and in taking such recognizances as are allowed in similar cases by law, to be taxed up at the foot of the docket entry of the decision, and to be recovered from the defendant in case he shall be convicted on final trial and not otherwise: *Provided, however,* That no more than one subpoena on the part of the State shall be taxed against the defendant.

SEC. 9. Section three (3) of an act approved June 11, 1852, entitled, "an act to provide for the election and certain duties of prosecuting and district attorneys," is hereby repealed.

2d. Amend the title by substituting the following:

"A bill defining the powers and duties of the judge of the court of common pleas, and of the officers of that court in preliminary examinations of offences against the law, and repealing section 3 of an act, approved June 11, 1852, entitled "an act to provide for the election and certain duties of prosecuting and district attorneys.'"

The amendments were adopted and the bill ordered to be engrossed.

Mr. Fleming from the committee on Education made the following report:

MR. SPEAKER:

The committee on Education to whom was referred bill of the House No. 146, to amend an act entitled an act to provide for a general and uniform system of common schools, school libraries and matters properly connected therewith, have had the same under consideration and directed me to report the same back to the House and recommend that it be indefinitely postponed, and ask to be discharged from the further consideration of the subject.

And the question being on concurring in the report, and indefinitely postponing the bill,

The ayes and noes were demanded by Messrs. Johnson and Lowe.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Bundy, Chapin, Clark, Cooper,

Dyer, Ferguson, Fleming, Gootee, Graham, Hammond. Hartley, Henry, Hicks, Lasselle, Manville, Martin, McClure, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Pratt, Price, Ryan, Scott, Seawright, Shuman, Spencer, Turpie, Walker of Laporte, Walker of Rush, and Wilson—36.

*Those who voted in the negative were,*

Messrs. Buell, Dodd, Donald, Druley, Emery, Farnsley, Hamrick, Harris, Henton, Hooper, Howell, Jennings, Johnson, Jones of Ripley, Lemmon, Lewis, Lowe, Maxfield, McCormick, McDonald of Lake, Peckenpaugh, Read, Richardson, Rockafellar, Service, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Sutton, Taber, Tanner and Work—35.

So the bill was indefinitely postponed.

Mr. Donald from the committee on Canals and Internal Improvements made the following report :

**MR. SPEAKER:**

The committee on Canals and Internal Improvements to whom was referred the petitions of sundry citizens of Gibson county, praying that the trustees of the Wabash and Erie canal be instructed to cause the timber to be removed from the reservoir in said county, have had the same under consideration, and a majority of said committee have instructed me to report

No. 157. A bill to provide for cutting and removing the timber from the reservoir in Gibson county, Indiana, on the line of the Wabash and Erie canal; and for removing the timber from reservoirs hereafter to be erected on the line of said canal.

Which was read a first time and passed to a second reading.

Mr. Farnsley, chairman of the committee on agriculture, made the following report :

**MR. SPEAKER:**

The committee on agriculture to whom was referred Senate bill No. 56, an act to amend an act relative to levees and drains, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which was concurred in, and the bill read a second time and ordered to a third reading.

Mr. Johnson from the committee on agriculture made the following report :

**MR. SPEAKER:**

The committee on Agriculture, to whom was referred resolution of the house directing said committee to inquire into the expediency of requiring the township assessor to specify the ages of horses

mules, cattle, &c., have had the same under consideration and have directed me to report,

No. 158. A bill to amend an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the treasurer and auditor of State.

Which was read a first time and passed to a second reading.

Mr. Parker, chairman of the committee on Public Expenditures, made the following report:

**MR. SPEAKER:**

The committee on Public Expenditures, to whom was referred resolution No. 15, in relation to the fees of petit jurors, have had the same under consideration, and by a reference to the law, we find that said jurors are allowed \$1 25 per day and mileage, and your committee think this a reasonable recompense, and ask to be discharged from a further consideration of the subject.

Which was concurred in.

Mr. Clark, from the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts of Justice, to whom was referred a resolution of the House instructing said committee to inquire into the expediency of so amending the law that justices of the peace holding courts of conciliation, have jurisdiction where the amount does not exceed two hundred dollars, have had the same under consideration, and directed me to report that in the opinion of the committee, they deem it inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Hicks, from the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts of Justice, to whom was referred resolution of the House No. 19, in relation to giving concurrent jurisdiction to common pleas courts in divorce cases, bastardy and surety of the peace complaints, have had the same under consideration, and direct me to report the following bill on that subject:

No. 159. A bill giving common pleas courts concurrent jurisdiction with circuit courts in divorce cases, and complaints for bastardy and surety of the peace;

Which was read a first time and passed to a second reading.

Mr. Howell, from the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts of Justice, to whom was referred bill of the House No. 66, an act to give authority to judges of the common pleas courts to compel executors and administrators to obey the orders of said courts, and to compel the clerks thereof to give additional bond, have had that subject under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage, and ask to be discharged from the further consideration of the same.

On motion by Mr. Scott,

The bill was laid on the table.

Mr. Hooper, from the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts of Justice, to whom was referred bill of the House No. 124, have had the same under consideration, and have directed me to report it back without amendment, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

The Speaker laid before the House the following communication from the Auditor of State, in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Feb. 14, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—The following resolution, adopted by the House of Representatives, was received this day, to-wit:

“*Resolved*, That the Auditor of State be requested to report to this House the number of applications for banks, and the names of individuals making such applications, at his earliest convenience, and the amount of capital of each.”

In reply to the foregoing resolution, I herewith transmit the following statement, a part of which was heretofore submitted to the General Assembly under a resolution of the House of Representatives, by my late predecessor, showing the names, location, capital, and names of stockholders of the several banks organized in this State, or for which applications have been filed under the general banking law, approved May 28, 1852, to wit:



## STATEMENT SHOWING THE NAMES, LOCATION, CAPITAL, AND THE NAMES OF STOCKHOLDERS OF THE SEVERAL BANKS OF INDIANA.

NAMES OF BANKS.	LOCATION.	CAPITAL.	NAMES OF STOCKHOLDERS.	
Bank of Connersville.....	Connersville.....	\$500,000	B. F. Sandford, John D. Park, George Frybarger, Charles Phelps.	
State Stock Bank of Indiana.....	Penn.....	260,000	A. DeGraff, E. F. Drake.	
Plymouth Bank.....	Plymouth.....	50,000	P. Burnett Taylor.	
Indiana Stock Bank.....	Laporte.....	50,000	Stephen H. Ives, Caleb Ives, C. E. Bresler, Isaac Kellum.	
Prarie City Bank.....	Terre Haute.....	200,000	Jacob D. Early, Levi G. Warren, John W. Davis, Thomas Dowling, Henry K. Wilson.	
			John H. O'Boyle, Callom H. Bailey, William D. Griswold, James H. Turner, C. W.	
			Barbour, James H. O'Boyle, Samuel, B. Gookins, Alex. McGregor, Daniel A. Jones.	
			Charles Cruft, Lucius Ryce, B. R. Whitcomb, N. W. Graham, James Farrington.	
			Joseph H. Williams, Charles B. Wright.	
Southern Bank of Indiana.....	Terre Haute.....	100,000	W. H. Marston.	
Public Stock Bank.....	Newport.....	100,000	John P. Sherwin.	
Bank of North America.....	Newport.....	50,000	O. Benedict.	
Government Stock Bank.....	Lafayette.....	100,000	Charles M. Wheelock.	
Granary Bank.....	Lafayette.....	50,000	James S. Wells.	
Merchant's Bank.....	Lafayette.....	100,000	D. K. Robinson.	
State Stock Bank.....	Logansport.....	100,000	Philo Buckingham, John W. Wright, James W. Dunn, J. Culbertson, David M. Dunn.	
Wabash Valley Bank.....	Logansport.....	200,000	Israel Johnson, W. Brown, Cyrus Faber, George Cecil, Stephen C. Taber, T. H.	
			Wilson, P. Pollard, George B. Walker, W. L. Brown, David Foster.	
			Anthony Defrees, jr.	
City Bank.....	Indianapolis.....	500,000	A. DeGraff, E. F. Drake.	
City Bank of Indianapolis.....	Indianapolis.....	500,000	A. DeGraff, E. F. Drake.	
Bank of Richmond.....	Richmond.....	500,000	James R. Mendenhall, Lewis Burk, William W. Lynde, David P. Holloway.	
Bank of Richmond.....	Richmond.....	400,000	Orange W. McKinney, Henry O. Gilbert.	
Bank of Indiana.....	Indianapolis.....	500,000	I. S. Drake, J. S. Forsman.	
State Stock Bank of Madison.....	Madison.....	200,000	David White, John R. Cravens, A. C. Lanier, Norman M. Ross.	
Commercial Bank of Madison.....	Madison.....	500,000	Nathan Powell.	
Madison City Bank.....	Madison.....	500,000	John S. Davis.	
City Bank of New Albany.....	New Albany.....	300,000	Itamar S. Drake, Joseph A. Forsman.	
State Stock Bank of New Albany.....	New Albany.....	100,000	George W. Collom.	
Trader's Bank of Terre Haute.....	Terre Haute.....	50,000	Charles Sanford.	
Merchant's Bank.....	Terre Haute.....	500,000	P. A. Hackleman, Asahel W. Hubbard, Lewis Maddux.	
Bank of Eastern Indiana.....	Rushville.....	500,000	A. DeGraff, E. F. Drake.	
Bank of Lawrenceburgh.....	Lawrenceburgh.....	200,000	James H. Barnes, Joseph H. Defrees, Chauncey S. Hascall.	
Bank of Goshen.....	Goshen.....	50,000	Clinton J. Colgate.	
State Stock Security Bank.....	Newport.....	200,000	John H. Harper, Aaron B. Ellsworth, George W. Mathews, Schuyler Colfax.	
Bank of northern Indiana.....	South Bend.....	100,000	Willard Carpenter, Robert Barnes, John M. Stockwell, Samuel Hall.	
Canal Bank.....	Evansville.....	250,000	W. C. DePauw, George Lyman.	
Bank of Salem.....	Salem.....	800,000	Hamilton Smith, Benjamin F. Sanford.	
Bank of Cambridge.....	Indianapolis.....			
Total number of Banks.....				33
Total amount of Capital.....				\$8,900,000
Total number of Stockholders.....				97
				E. W. H. ELLIS, Auditor of State.

SINCE THE FOREGOING STATEMENT WAS SUBMITTED, THE FOLLOWING ADDITIONAL APPLICATIONS HAVE BEEN FILED, TO-WIT:

NAMES OF BANKS.	LOCATION.	CAPITAL.	NAMES OF STOCKHOLDERS.
Lafayette Bank of Indiana.....	Lafayette.....	\$200,000	Thomas S. Cox, Timothy Dame.
Farmer's Bank of Indiana.....	Lafayette.....	200,000	Thomas S. Cox, Jerome B. Cox.
Mechanic's Bank.....	Lafayette.....	200,000	Godlove O. Behm, Timothy Dame.
Commercial Bank.....	Lafayette.....	100,000	Joseph S. Hanna, Martin L. Pierce, Henry T. Sample, James Spears.
Fort Harrison Bank.....	Terre Haute.....	200,000	Thomas S. Cox, Jerome B. Cox, Timothy Dame.
Vigo County Bank.....	Terre Haute.....	100,000	Horace B. Smith.
State Bank of Indiana.....	Indianapolis.....	500,000	Washington C. DePaul.
Agricultural Bank of Indiana.....	Indianapolis.....	200,000	Thomas S. Cox, Godlove O. Behm.
Indiana State Bank.....	Madison.....	500,000	Polleys & Butler, Isam Ross, S. S. Gillett, E. G. Whitney, John Cevant, Rowland Whitney, Andrew Cevant, D. F. Robison, A. M. Whitney, N. W. Cevant, Samuel Gale, B. F. Baker, A. B. Smith.
Bank of Indiana.....	Madison.....	100,000	David White, John A. Hendricks, Dawson Blackmore.
Merchant's Bank of Jeffersonville.....	Jeffersonville.....	300,000	George M. Bright, M. Steele Bright.
Laurel Bank.....	Laurel.....	100,000	William Doughty, Edward W. Pattison, Thurston S. N. Pattison.
Bank of Elkhart.....	Elkhart.....	200,000	Philo Morehouse, jr., Silas Baldwin.
Indiana Security Bank.....	Goshen.....	200,000	Charles Edward Bresler, Louis Bresler.
Central Wabash Bank.....	Covington.....	150,000	R. Hatfield, J. H. Nelson, D. Rawles, E. A. Hannegan, John McMannory, A. Henderson, J. H. Thompson, J. Ristine.
Bank of Rushville.....	Rushville.....	400,000	Nehemiah Hayden, Thomas Pugh.
Ohio County Bank.....	Rising Sun.....	200,000	Jacob C. Wells, Samuel F. Covington, B. I. Hathaway, A. C. Downey.
Elston Bank.....	Crawfordsville.....	100,000	Isaac C. Elston.
Indiana Exchange Bank.....	Lexington.....	500,000	John B. Morrison, John E. Roe, James H. Phillips, Alonzo A. Morrison, Jonathan Johnson, D. W. Fouts, P. M. Puett.
Union Bank.....	Liberty.....	200,000	Charles Nutter, Felix Conklin, James M. Conwell, William B. Crist.
Prover's Bank.....	Rome.....	50,000	William R. S. Patton.

Total number of Banks.....	54
Total amount of Capital.....	\$13,600,000
Total number of Stockholders.....	167

THE FOLLOWING HAVE INCREASED THEIR CAPITAL IN ADDITION TO THEIR FORMER AMOUNTS, AS FOLLOWS, VIZ:

State Bank, Logansport.....	\$400,000	Government Stock Bank, Lafayette.....	\$300,000
Public Stock Bank, Newport.....	50,000	Mechanic's Bank, Lafayette.....	450,000

Making the entire banking capital of the fifty-four banks created, the sum of fourteen millions eight hundred thousand dollars.

Respectfully submitted:

JOHN P. DUNN, Auditor of State.

When,

On motion by Mr. Hicks,

The report was laid on the table, and 100 copies ordered to be printed.

The Speaker laid before the House, the following communication from the Principal Clerk, in answer to a resolution of the House.

**MR. SPEAKER:**

In compliance with a resolution of the House, instructing me "to examine the files of this House and the enrolled acts in the office of the Secretary of State, and report to this House what bills are pending, and what acts have passed to reconcile conflicts and correct errors in the Statutes of 1852."

I have the honor to report, that I have made the examinations required by the resolution, and that the following is the result of that examination.

The following bills have received the approval of the Governor, and are amendatory of the acts of 1852. Most of them are corrective in their character, and have relation to deficiencies in the legislation of the last session.

#### BILLS PASSED.

House bill No. 17, gives livery stable keepers and others engaged in feeding live stock, a lien similar to that given to mechanics, merchants and others, by the act of May 20, 1852.

House bill No. 45, amends section 2, of "an act touching official bonds and oaths," approved June 9, 1852.

House bill No. 53, amends section 6 of "an act to authorize allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1853.

House bill No. 52, amends section 28 of "an act for the incorporation of towns," approved June 11, 1852.

House bill No. 65, amends section 5 of "an act in relation to county treasurers," approved June 4, 1852.

House bill No. 69, amends section 7 of "an act to enable trustees to receive lands and donations for the use of schools, churches, societies and lodges," &c., approved June 17, 1852.

House bill No. 35, provides for making annual reports to the Governor by State officers, banks and benevolent institutions.

House bill No. 49, authorizes voluntary associations to hold and convey property.

House bill No. 13, amends sections 1 and 2, and repeals section 3 of "an act providing for the appointment of notaries public and defining their powers and duties."

House bill No. 42, amends "an act to establish and regulate ferries," approved June 17, 1852.

House bill No. 46, amends section 25 of "an act for the incorporation of insurance companies," &c., approved June 17, 1852.

House bill No. 51, amends section 24 of "an act to provide for the organization of county boards," &c., approved June 17, 1852.

Senate bill No. 37, amends section 50 of "an act for the incorporation of insurance companies," &c., approved June 17, 1852.

Senate bill No. 13, amends section 1 of "an act to authorize the formation of voluntary associations," approved May 13, 1852.

Senate bill No. 1, is "an act to transfer the business pending in the probate courts and the probate business pending in the circuit courts, to the courts of common pleas, to provide for empanneling juries, and to legalize the business heretofore done therein.

The following bills now pending, and on the files of the House, are believed to come within the intent of the resolution, and if they do not, it may not be amiss to note them here.

House bill No. 158, amends section 14 of "an act for the incorporation of bridge companies," approved June 9, 1852.

House bill No. 156, amends section 13 of an act to limit the number of grand jurors, &c., approved March 4, 1852, provides that crimes only that are *peremptorily* punishable with *death* or *imprisonment* in the *penitentiary*, shall be denominated *felonies*.

House bill No. 149, authorizes township trustees to administer oaths.

House bill No. 147, is supplementary to the practice act, approved June 18, 1852.

House bill No. 46, to amend section 3 of "an act for the organization of circuit courts," &c., approved June 1, 1852.

#### PASSED.

House bill No. 107, to amend section 3 of "an act for the regulation of weights and measures," approved June 9, 1852.

Senate bill No. 65, to amend 1st, 2d and 3d sections of "an act for the incorporation of high schools, colleges," &c., approved May 13, 1852.

The following bills in the hands of committees of the House, may some of them be of the character indicated in the resolution; but as they are not now on the files, I am not able to determine their subjects, except as they are indicated by their titles.

#### IN THE HANDS OF COMMITTEES.

House bill No. 27, to amend section 17 of an act regulating descents and the apportionment of estates, approved May 14, 1852.

No. 33. To amend an act regulating the relation of master and apprentice, approved May 27, 1852.

No. 41. To amend common pleas acts, approved May 14, 1852.

No. 48. To amend an act to provide for the erection and repair of bridges, approved May 22, 1852.

No. 50. To amend an act concerning licenses to vend foreign merchandize, to exhibit caravans, etc.

No. 51. To amend militia act of June 14, 1852.

No. 63. To amend an act in relation to guardian and ward, approved June 9, 1852.

No. 78. Further defining the duties of the clerk and sheriff of court of common pleas in criminal cases, and fixing their compensation.

No. 85. To amend the practice act.

No. 93. To amend the act in relation to wills, approved May 31, 1852.

No. 96. To amend act in relation to decedents' estates, &c., approved June 17, 1852.

No. 106. To supply the omission of words in the R. S. of 1852, referred to Judiciary committee.

#### SENATE BILLS IN HANDS OF COMMITTEES.

No. 25. To amend an act therein named.

No. 32. To amend act prescribing duties of Treasurer of State, approved May 20, 1852.

No. 62. To amend section 4 of an act touching the relation of guardian and ward, approved June 9, 1852.

I have the honor to be,

Respectfully, your ob't serv't,

WM. R. BOWES,

*Clerk H. R.*

Mr. Hamrick moved to lay the communication on the table.

Mr. Walker of Laporte moved to amend by printing 200 copies; Which motion did not prevail.

The question then recurring on Mr. Hamrick's motion,

It was agreed to.

Mr. Service, from the committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee on County and Township Business, to which was referred resolution No. 28, requiring said committee to inquire into the expediency of so changing the fourth section of an act prescribing the powers and duties of coroners, approved May 27, 1852, so as to reduce the number of jurors to six instead of twelve, have had the same under consideration, and directed me to report

No. 160. A bill to amend sections 4 and sections 5 of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852.

Which was read a first time and passed to a second reading.

Mr. Stackhouse, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 140, have had the same under consideration, and have unanimously directed me to report the same back without amendment, and recommend its passage.

Your committee would remark for the information of the House and of the parties concerned, that there appears to be a conflict in the statutes defining the boundaries of Spencer and Warrick counties, which conflict, in the opinion of your committee is the result of a mistake in the revisions of 1843 and of 1851-2. By these mistakes the eastern boundary of Warrick runs six miles into Spencer county; we would therefore add that the bill, as reported back by your committee, proposes no change in what has been the western boundary of Spencer county ever since 1825, and was the eastern boundary of Warrick by the statutes of 1825 and the revision of 1831, which has evidently been the intention of subsequent legislation.

The report was concurred in, and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Pratt,

*Resolved*, That the Auditor of State be requested to communicate to this House the amount of stocks actually deposited with him under applications made to establish banks, under the free banking law, and what stocks have been received; specifying the amount of each State and of the U. S. so received.

On motion by Mr. Lowe,

*Resolved*, That the committee on Canals and Internal Improvements be requested to inquire into the expediency of incorporating canal companies, and report by bill or otherwise.

On motion by Mr. Manville,

*Resolved*, That the committee of Ways and Means be instructed to report to this House, as early as practicable, the probable excess of State treasury notes redeemed and still outstanding, over the amounts reported to have been issued; also, the amount of State bonds reported to have been redeemed under the State debt arrangement, and the amount of such cancelled bonds returned to the treasury by the Agent of State; and also whether any discrepancy exists between the reports of the Agent of State and the books of the Auditor of State in the amount of new stocks issued by the State

in exchange for original State bonds; and that the committee accompany such report with a recommendation of such measure as they may deem necessary for a thorough investigation of the matters herein referred to, and for the protection of the interests of the State.

On motion by Mr. Hamrick,

*Resolved*, That the committee on the affairs of the town of Indianapolis be respectfully instructed to inquire into the necessity of inclosing the grounds known as the Governor's Circle, with a permanent inclosure of iron and stone, with leave to report by bill or otherwise.

On motion by Mr. McDonald of Lake,

*Resolved*, That the committee on the Judiciary be discharged from the further consideration of the resolution directing them to report a bill to this House, abolishing the office of Agent of State.

On motion by Mr. McCormick,

**WHEREAS**, The clock of this House on Friday and this (Monday) morning, was at least a half an hour too fast; therefore

*Resolved*, That the Doorkeeper be and is hereby authorized to employ some suitable person to fix and regulate the same, and that the Journals be altered so as to read "that the Speaker was in the chair."

Mr. Ryan moved that House bill No. 142, "a bill to regulate the retailing of spirituous liquors, and for the suppression of the evils arising therefrom," be made the special order of the day for Wednesday next.

Mr. Moss moved to amend by inserting "Thursday" in lieu of "Wednesday."

Which amendment was adopted.

And the motion as amended was agreed to.

On motion by Mr. Pratt,

*Resolved*, That the Secretary of State, be requested to inform this House at as early a day as practicable, when the Revised Statutes of 1852, and the code of practice, will be ready for distribution in the several counties, and the causes of delay in the printing and binding of the same; and particularly whether it is practicable to deliver the number required by law to the several counties, prior to the first Monday of April next.

On motion by Mr. Read,

*Resolved*, That the Agent of the Indiana Colonization Society be requested as soon as practicable, to furnish the House a statement in relation to the application of said agency during the year 1852, the amount of money that has been expended out of the State

Treasury for said object, the number of colored persons, if any, that have signified a willingness to emigrate to Liberia, and all facts in his possession in relation to said population within this State.

Mr. Gootee moved to reconsider the vote on Senate bill No. 15.

Mr. McDonald of Lake moved to lay the motion to reconsider on the table.

The ayes and noes being demanded by Messrs McDonald of Lake and Gootee.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Catlin, Clark, Dodd, Donelson, Emery, Farnsley, Hammond, Hendricks, Henry, Howell, Jones of Boone, Lasselle, Lemmon, Lewis, Manville, Martin, Maxfield, McDonald of Lake, Milroy, Parker, Seawright, Shuman, Stackhouse, Stephens, Tanner, Turpie, and Work—28.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Bundy, Chapin, Cooper, Donald, Dunlavey, Dyer, Ferguson, Fleming, Gootee, Graham, Hamrick, Harris, Hartley, Henton, Hicks, Hooper, Jennings, Johnson, Jones of Ripley, Lowe, McCormick, McClure, McDonnall of Sullivan, McKee, Moss, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Scott, Service, Shelby, Shoemaker, Simpson, Spencer, Steele, Stockwell, Sutton, Taber, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—47.

So the motion to reconsider was not laid on the table.

Mr. Turpie moved the House adjourn.

Which motion did not prevail.

The question then recurring on reconsidering the vote on ordering the bill to a third reading.

Pending which,

On motion by Mr. Hooper,

The House adjourned.

2 o'clock, P. M.

House met.

The question at adjournment was, on reconsidering the vote on bill of the Senate No. 15.

And the question being put;



The ayes and noes were demanded by Messrs. McDonald of Lake and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Buell, Bundy, Chapin, Cooper, Donald, Druley, Dunlavey, Ferris, Eerguson, Fleming, Freeland, Goodman, Gootee, Henton, Hicks, Hooper, Jennings, Johnson, Lowe, McCormick, McDonnall of Sullivan, McKee, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Steele, Stockwell, Sutton, Taber, Walker of Laporte, Walker of Rush, Wilson, Work and Yount.—42.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Brothwell, Catlin, Clark, Dodd, Donelson, Emery, Farnsley, Gentry, Graham, Hammond, Hamrick, Harris, Hartley, Hendricks, Henry, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lernmon, Lewis, Manville, Martin, Maxfield, McClure, McDonald of Lake, Milroy, Parker, Price, Ryan, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Tanner, Turpie, and Mr. Speaker—43.

So the vote was not reconsidered.

Mr. Ryan offered the following resolution:

*Resolved*, That the House will, the Senate concurring therein, adjourn Thursday the 24th inst., without day.

Which was not adopted.

On motion by Mr. Spencer,

*Resolved*, That the committee on the Organization of Courts of Justice, be instructed to examine section 36 of the common pleas act, and section 10 of the justice act, and ascertain if said sections do not conflict with each other in the jurisdiction of said courts: if so to report a bill amending said sections of the common pleas act as soon as practicable.

On motion by Mr. Rockafellar,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the 29th, 30th, 31st and 32d sections of an act entitled "an act to provide for a general and uniform system of common schools, school libraries and matters properly connected therewith," approved June 14th, 1852, so as to retain and distribute the congressional township fund, and all taxes for common school purposes, in the counties respectively to which they belong, and report by bill or otherwise.

## BILLS INTRODUCED.

Mr. Hicks obtained leave and introduced

No. 161. A bill suspending the operations of certain sections of an act therein named, for one year.

Which was read a first time, and passed to a second reading.

Mr. Steele obtained leave and introduced

No. 162. A bill to repeal the 16th, 17th, 18th, 22d, 23d, 25th, 26th and 27th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852, and to revive the 4th article of the 28th chapter, and the 140th, and the 141st sections of the sixth article of the 28th chapter of the Revised Statutes of 1843, and to regulate in certain cases the descent of estate.

Which was read a first time and passed to a second reading.

Mr. Shuman obtained leave and introduced

No. 163. A bill amendatory of the 66th section of "an act providing for the settlement of decedents' estates," approved June 17th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Freeland obtained leave and introduced.

No. 164. A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois railroad company," approved February 8th, 1851.

Which was read a first time and passed to a second reading.

Mr. Read obtained leave and introduced

No. 165. A bill fixing the salary of the chaplain of the State Prison, providing the manner of paying the same, and repealing the 13th clause of the 1st section of an act entitled "an act relative to the salaries of public officers and providing the manner of paying the same," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. McDonnall of Sullivan obtained leave and introduced

No. 166. A bill to regulate the taking of appeals from courts of common pleas.

Which was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

*House bills on second reading.*

No. 152. A bill to pay counsel in certain cases.

Was read a second time, when,

On motion by Mr. Scott,

The bill was referred to the committee on the Judiciary.

No. 153. A bill granting immunity to Justices of the Peace in certain cases.

Was read a second time, when,

On motion by Mr. McDonald of Lake,

The bill was referred to the committee on the Judiciary.

No. 154. A bill to amend the 14th section of an act entitled an act providing for the incorporation of bridge companies, approved March 9th, 1852.

Was read a second time; when,

On motion by Mr. Farnsley,

The bill was referred to the committee on Corporations.

No. 155. A bill in relation to contracts made by agents or attorneys in fact under powers of attorney, where the name of the principal has not been employed as the party to be charged, and prescribing the effects of such contracts.

Was read a second time, when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

No. 156. A bill to amend an act to limit the number of grand jurors, and point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, approved March 1st, 1852.

Was read by its title, and,

On motion by Mr. Pratt,

Referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 138. A bill to correct a misprint in the first volume of the revised statutes of 1852.

Was read a third time.

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dunlavey, Dyer, Emery, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Hammond, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, McCormick, McDonald of Lake, McDonnell of Sullivan, Milroy, Parker, Price, Rockafellar, Scott, Seawright, Shelby, Shuman, Simpson, Spencer, Stackhouse, Stephens, Sutton, Taber, Turpie, Walker of Laporte, Walker of Rush, Wilson, and Yount—60.

*Those who voted in the negative were,*

Messrs. Brecount, Gootee, Jennings, Jones of Boone, Manville, Martin, Maxfield, McClure, McKee, Peckenpaugh, Pratt, Shoemaker, Tanner, and Mr. Speaker—14.

So the bill passed.

On motion by Mr. McDonald of Lake,

The vote on the passage of House bill No. 138 was reconsidered, and,

On motion by Mr. McDonald of Lake,

The bill was laid on the table.

#### HOUSE JOINT RESOLUTIONS ON THIRD READING.

Mr. Donelson moved to take up joint resolution of the House, No. 25. A joint resolution in relation to the repeal of the franking privilege.

Which was agreed to.

And the question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Donelson, Dunlavey, Dyer, Ferris, Fleming, Freeland, Goodman, Graham, Hendricks, Hicks, Jennings, Johnson, Jones of Ripley, Manville, McDonald of Lake, Parker, Peckenpaugh, Pratt, Price, Rockafellar, Ryan, Service, Shoemaker, Simpson, Turpie, Walker of Laporte, Walker of Rush, Yount, and Mr. Speaker—29.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Emery, Farnsley, Ferguson, Gentry, Gootee, Hammond, Hamrick, Harris, Hartley, Henry, Henton, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lowe, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, Milroy, Read, Richardson, Scott, Seawright, Shelby, Shuman, Stackhouse, Steele, Stephens, Stockwell, Taber, Tanner, Wilson and Work—56.

So the joint resolution did not pass.

No. 26. A joint resolution in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal;

Was read a third time; when,

On motion by Mr. Hamrick,

The joint resolution was laid on the table.

Mr. Buell moved to take from the table the report of the committee on the Judiciary on bill of the Senate No. 26, a bill to preserve and restore the records of the supreme court;

Which was agreed to.

The question being on concurring in the report of the committee and indefinitely postponing the bill,

The ayes and noes were demanded by Messrs. Jennings and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Catlin, Clark, Donald, Donelson, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Harris, Hartley, Hooper, Hunt, Jennings, Johnson, Jones, of Jennings, Jones of Ripley, Lemmon, Lewis, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, Milroy, Parker, Peckenpaugh, Price, Richardson, Rockafellar, Ryan, Seawright, Service, Shelby, Simpson, Spencer, Stackhouse, Stephens, Sutton, Taber, Tanner, Turpie, Walker of Rush, Wilson and Work—59.

*Those who voted in the negative were,*

Messrs. Brothwell, Buell, Bundy, Chapin, Cooper, Dodd, Ferris, Hammond, Hendricks, Henry, Henton, Hicks, Howell, Jones of Boone, Lasselle, Lowe, McCormick, McKee, Pratt, Read, Scott, Shoemaker, Shuman, Steele, Stockwell, Walker of Laporte, Yount, and Mr. Speaker—28.

So the report was concurred in, and the bill indefinitely postponed. Mr. McDonald of Lake moved to reconsider the vote just taken. Mr. Maxfield moved to lay the motion to reconsider on the table. Which motion prevailed.

#### SENATE BILLS ON THIRD READING.

No. 65. A bill to amend 1st, 2d and 3d sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852;

Was read a third time.

By unanimous consent,

On motion by Mr. Walker of Laporte,

The bill was amended by adding the following section:

SEC. —. Whereas, an emergency exists, this act shall be in force

from and after its passage and publication in the Indiana State Sentinel and Journal.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Harris, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Taber, Tanner, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—80.

Messrs. Donelson and Henton voting in the negative—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Manville moved the House adjourn.

Which was not agreed to.

By unanimous consent,

Mr. Turpie obtained leave and offered the following resolution:

*Resolved*, That the Sergeant-at-arms be required to clear the lobby of Senators.

Which was not adopted.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following resolution:

*Resolved*, That the Senate will, the House concurring, go into the election of Agent of State, on Wednesday next the 16th, at two o'clock P. M.

In which the concurrence of the House is respectfully requested.

Mr. Johnson moved to lay the resolution contained in the foregoing message on the table.

Which motion did not prevail.

The question then recurring on reciprocating the resolution.

And the question being put;

The ayes and noes were demanded by Messrs. Buell and Manville.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Farnsley, Fleming, Gootee, Graham, Hendricks, Henton, Hicks, Howell, Hunt, Jones of Boone, Lasselle, Lemmon, Lewis, Lowe, McCormick, McClure, McDonnall of Sullivan, McKee, Milroy, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Sutton, Tanner, Turpie, Walker of Laporte, Wilson, Work and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Brothwell, Dyer, Ferris, Ferguson, Freeland, Gentry, Goodman, Hammond, Harris, Henry, Hooper, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Manville, Martin, Maxfield, McDonald of Lake, Peckenpaugh, Pratt, Ryan, Service, Shelby, Spencer, Steele, Stockwell, Taber, Walker of Rush and Yount—30.

So the resolution was reciprocated.

Ordered that the Clerk inform the Senate thereof.

Mr. Hicks from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have compared the accompanying enrolled bill of the House, No. 22, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bill of the House No. 138, and joint resolution of the House No. 26, and find the same correctly engrossed.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 78, 114 and 124, and find the same correctly engrossed.

On motion by Mr. Jones of Ripley,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 15th, 1853. }

The House met pursuant to adjournment.

The Clerk proceeded to read the Journal of yesterday.

Mr. Graham moved to dispense with the further reading thereof,  
Which was agreed to.

**PETITIONS, MEMORIALS, &C., PRESENTED.**

By Mr. Parker:

A petition from 21 voters and 14 ladies of the county of Howard,  
on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Dunlavy:

A memorial from sundry citizens of the State of Indiana, on the  
subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Stackhouse:

A memorial from sundry citizens of the State of Indiana, on the  
subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Speaker:

A petition from sundry citizens of the State of Indiana, on the  
subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Stackhouse:

A petition from 366 citizens of the State of Indiana, on the sub-  
ject of temperance;

Which was referred to the committee on Temperance.

By Mr. Underwood:

A petition from sundry citizens of the State of Indiana, on the  
subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Henton:

A petition from 82 citizens of Miami county, on the subject of  
temperance;

Which was referred to the committee on Temperance.

**REPORTS FROM COMMITTEES.**

Mr. Manville, from the committee on Ways and Means, made the  
following report:



**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred a resolution of inquiry into the reasons of the delay in distributing the Revised Statutes, have had said resolution under consideration, and beg leave respectfully to report; that the printing of the Statutes is completed, but that a sufficient number of copies have not been bound for distribution. The binding can be done at the rate of fifteen hundred to two thousand copies per week. About a year was consumed in printing the Statutes of 1843; the printing of the Statutes of 1852 has been accomplished in half this time. Of the Statutes of 1843, only ten thousand copies were printed; of the Statutes of 1852, fifteen thousand are required. The only delay in the printing has been in consequence of the failure of the contractor to furnish paper. Your committee ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Henry, chairman of the committee on Claims, made the following report:

**MR. SPEAKER :**

The committee on Claims, to whom was referred the claim of Mr. Paul Geyser, for one hundred and eighty dollars, for extra labor performed by him in translating, indexing and superintending the printing of the first volume of the Revised Statutes of 1852, into the German language. The committee have carefully investigated this claim and are of the unanimous opinion, that the labor performed by Mr. Geyser is fully adequate to the sum claimed, and have directed me to submit the following resolution:

*Resolved*, That the committee on Ways and Means are hereby directed to incorporate into the specific appropriation bill an allowance to Mr. Paul Geyser of one hundred and eighty dollars, which shall be his compensation in full for said services. The committee unanimously recommend the adoption of the foregoing resolution, and ask to be discharged from the further consideration of this subject.

The resolution contained in the report was adopted, and the committee discharged.

Mr. Goodman, from the committee on Claims, made the following report:

**MR. SPEAKER :**

The committee on Claims, to whom was referred House bill No.

104, "a bill authorizing the Auditor of State to audit the account of William Potter, and to allow him one hundred and fifty dollars for services as prosecuting attorney in the 8th judicial circuit," have had the same under consideration and have requested me to report the same back to the House and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

Mr. Pratt, from the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred House bill No. 126, amending the act for the incorporation of railroad companies, approved May 11, 1852, allowing copies of the Articles of Association to be filed in the office of the Secretary of State, have had the same under consideration, and directed me to report the following amendments to the same, and after their adoption to recommend the passage of the bill.

1. Amend the 3d line of the first section by inserting before the word "corporation," the following words "association or."

2. Amend the 11th line of the first section by inserting after the word "officers" the following words "or persons duly authorized."

3. Amend the 11th line of the first section by inserting after the word "such" the following words: "association or."

4. Amend the 2d section, 1st line, by inserting after the word "any," the following words: "association or."

5. Amend the 3d line of 2d section by striking out the word "certified."

Which amendments were concurred in, and the bill ordered to be engrossed.

Mr. McClure, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred bill of the House No. 131, entitled an act to legalize irregularities heretofore occurring in the filing of Articles of Association of Plank Road Companies, have had the same under consideration, and directed me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. McClure, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred Senate bill No. 43, "a bill to repeal part of the first section of an act entitled an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company," approved February 11, 1851, have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill was read a second time; When,

On motion by Mr. Pratt,

The bill was laid on the table.

Mr. McClure, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred bill of the Senate No. 7, a bill to authorize railroad companies to connect with railroads in an adjoining State, to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located, with certain instructions, have had the same under consideration, and have directed me to report the following amendments:

*First.* Insert after the word line, in the 10th line of the first section, the words "or at any other point."

*Second.* Add to the first section the words "or to such point of intersection."

*Third.* Insert after the word construct, where the same occurs in the 12th line of the fourth section, the words "and complete within five years herefrom."

The committee were instructed to amend the bill by incorporating therein certain matter embraced in the instructions. The committee herewith, in conformity with said instructions, report to the House, two additional sections:

SEC. 5. It is provided however, and it is hereby expressly declared, that no railroad company incorporated in this State, the terminus of whose road is at, or within two miles of any city or town on the Ohio river, shall consolidate its stock with that of any other company in this State, or that of any company on the opposite side of said river, nor shall run or construct its road along or across the streets of said town or city, without the consent of the corporate authorities of said town or city, being in each case thereunto specially obtained.

SEC. 6. Nothing in this act shall be construed to repeal or affect, in any manner whatever, the provisions of an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18th, 1852.

¶ In the event of the adoption by the House of the above two sections, the committee respectfully recommend to the House the following amendments:

Strike from the last section of said bill the number "5," and insert in lieu thereof the number "7."

After having suggested the above named amendments the committee would respectfully report the bill, instructions and amendments back to the house for its consideration.

Mr. Hendricks moved to amend the 4th amendment reported by the committee, by striking out therefrom the words "in this State or that of any company."

Which was agreed to.

Mr. Donelson moved to lay the bill and pending amendments on the table.

Which motion did not prevail.

The amendments were considered separately.

The question being put on concurring in the 1st, 2nd and 3d amendments.

They were agreed to.

Mr. Torbet moved to amend the 4th amendment by adding the following proviso.

*Provided*, That this provision shall not apply to, or affect in any manner whatever the rights or liabilities of any company constructing any road, the terminus of which is a city or town, situate within two miles of the line between this State and the State of Ohio.

Which was agreed to.

The question then recurring on the adoption of the amendment as amended.

And the question being put,

The ayes and noes were demanded by Messrs. Johnson and Ferris.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Catlin, Clark, Cooper, Dodd, Donald, Farnsley, Ferris, Freeland, Gentry, Goodman, Gootee, Graham, Handy, Hartley, Hendricks, Henry, Henton, Hunt, Jennings, Jones of Boone, Laird, Lemmon Lowe, McCormick, McDonald of Lake, McKee, Peckenpaugh, Pratt, Price, Read, Richardson, Scott, Shuman, Stackhouse, Steele, Stephens, Stockwell, Sutton, Yount and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bundy, Donelson, Druley, Dunlavey, Emery, Ferguson, Fleming, Greene, Hammond, Hamrick, Harris, Hicks, Hooper, Howell, Johnson, Jones of Jennings, Jones of Ripley,

Lasselle, Lewis, Manville, Martin, Maxfield, McClure, McDonnall of Sullivan, Milroy, Parker, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Struble, Taber, Tanner, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Work—44.

So the amendment as amended was agreed to.

The question being put on concurring in the 5th and 6th amendments, they were agreed to, and the bill ordered to a third reading.

Mr. Pratt moved to take from the table bill of the Senate No. 43, Which motion prevailed.

When,

On motion by Mr. Pratt,

The bill was amended as follows:

Amend the title of the bill so as to read, a bill to amend the first section of an act approved February 11th, 1851, entitled an act to amend an act entitled an act to incorporate the Lake Michigan, Logansport and Ohio river railroad company, enacted by the General Assembly in February, 1848, and empowering said company to run their road to such point on the line of the Northern Indiana railroad, as said company may direct.

Amend the first section of the bill by striking out after the enacting clause, and substituting as follows:

That the first section of the act referred to in the title be so amended as to read as follows: That the Lake Michigan, Logansport and Ohio river railroad company be and they are hereby authorized and empowered, by themselves or their agents, to examine, survey, locate and construct a railroad, with a single or double track upon the most eligible ground for the interest of the company, and not injurious to the public, commencing at the town of Logansport in Cass county, and running thence north, either to Michigan city, or to such point on the line of the Northern Indiana railroad, as such company may select.

The amendments were concurred in, and the bill ordered to a third reading.

Mr. Underwood chairman of the committee on Benevolent and Scientific Institutions made the following report:

MR. SPEAKER:

The committee on Benevolent and Scientific Institutions direct me to report

No. 167. A bill providing for the admission of certain classes of insane persons into the Indiana Hospital for the Insane.

Which was read a first time and passed to a second reading.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions made the following report.

MR. SPEAKER:

A majority of the committee on Benevolent and Scientific Institutions direct me to report

No. 168. A bill in relation to the salary of the superintendent of the Indiana Institute for the Blind.

Which was read a first time and passed to a second reading.

Mr. McDonald of Lake, from the committee on Swamp Lands, made the following report:

MR. SPEAKER:

The committee on Swamp Lands, which was directed by a resolution of the House "to inquire if any legislation was necessary in relation to the title of persons who purchased swamp lands of the United States after the donation of said lands to the State, and before the selection," have had the same under consideration, and directed me to report,

No. 169. A bill supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant." This act to regulate the title of all those who purchased swamp land of the United States after the date of the donation, and before the selection of the swamp lands, and to enable purchasers to purchase forty acre tracts, and to grant pre-emption in certain cases to occupiers of the swamp lands.

Which was read a first time and passed to a second reading.

Mr. Rockafellar, from the committee on Public Buildings, made the following report:

MR. SPEAKER:

The joint committee on Public Buildings, to whom was referred resolution of the House, instructing them to inquire into the safes and securities in the public offices of State for the preservation and safety of the valuable papers and documents of the State, have made due examination and beg leave to report: That in the office of Auditor of State we find that no adequate safe or vault is there for the security and safety of the public papers in that office, and we would most respectfully recommend that the auditor be authorized to purchase a safe similar to the one used by Messrs. John Wooley & Co. We believe that such a safe will be ample for the security of all the valuable papers and documents in his office. Also that two book cases, for the swamp land books and banking books are wanting in that office. That in the Treasurer's office an

expenditure of three or four hundred dollars will be necessary for repairs to the buildings, out houses and fence; and your committee would most respectfully recommend that the above recommendations be carried out. All of which is respectfully submitted.

When,

On motion by Mr. Walker of Laporte,

The report was referred to the committee on Ways and Means.

#### RESOLUTIONS.

Mr. Seawright offered the following resolution:

*Resolved*, That the committee on Swamp Lands be requested to inquire into the expediency of so amending chapter 104 of the Revised Statutes of 1852, "an act providing for the drainage and sale of swamp lands, &c.," so as to provide for the appraisement and graduation of the price, and that all lands remaining unsold after two years, be subject to drainage.

Mr. Druley moved to amend by making the resolution imperative.

Mr. Tanner moved to lay the motion to amend on the table.

Mr. McDonald of Lake, moved to indefinitely postpone the resolution and pending amendment.

And the question being put,

The ayes and noes were demanded by Messrs. Steele and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Bundy, Cooper, Donald, Dunlavey, Emery, Ferguson, Fleming, Freeland, Hammond, Hartley, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lowe, Manville, Martin, Maxfield, McDonald of Lake, McKee, Milroy, Peckenpaugh, Parker, Pratt, Price, Richardson, Rockafellar, Shoemaker, Service, Simpson, Stackhouse, Steele, Stephens, Stockwell, Taber, Tanner, Turpie, Walker of Laporte, Wilson, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Brecount, Buell, Catlin, Chapin, Clark, Dodd, Druley, Durham, Dyer, Farnsley, Ferris, Gentry, Goodman, Gootee, Greene, Hamrick, Handy, Harris, Hicks, Johnson, Jones of Jennings, Lewis, McCormick, McClure, Scott, Seawright, Shelby, Shuman, Spencer, Struble, Sutton, Underwood, Walker of Rush, Work and Yount—35.

So the resolution and pending amendments were indefinitely postponed.

The Speaker laid before the House the following communication from the Secretary of State, in answer to a resolution of the House:

OFFICE OF SECRETARY OF STATE, }  
February 15, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—I yesterday received the following resolution from the House over which you preside, to-wit:

“*Resolved*, That the Secretary of State be requested to inform this House, at as early a day as practicable, when the Revised Statutes of 1852, and the Code of Practice, will be ready for distribution in the several counties, and the cause of delay in printing and binding the same; and, particularly, whether it is practicable to deliver the number required by law to the several counties, prior to the first Monday in April next.”

By an act of the Legislature in relation to the printing and the distribution of the Revised Statutes, and the Code of Civil and Criminal Practice, approved June 18, 1852, it was made the duty of the Secretary of State to superintend the publication of the Revised Statutes, which duty had been punctually attended to by my predecessor at as early a day as was practicable, and consistent with other duties incumbent upon him.

Not being very conversant with the facts of the case, I addressed such inquiries as seemed to be required by the resolution, to the public printer, from whom I have received the inclosed answer, which I beg leave to submit as a response to the resolution.

I am, very respectfully,

Your ob't. serv't.,

N. HAYDEN,

*Secretary of State.*

INDIANAPOLIS, February 15, 1853.

N. HAYDEN, Esq.,

*Secretary of State:*

In answer to your inquiry of this date, 1st, when the Revised Statutes of 1852 and the Code of Practice will be ready for distribution in the several counties; 2d, the cause of the delay in printing and binding the same, and 3d, particularly, whether it is practicable to deliver the number required by law to the several counties prior to the first Monday of April next, I have the honor to state:

*First.*—The first volume has been ready for some weeks. The second (containing the Code of Practice,) is all printed, and in the hands of the binders. There is a heavy force of binders industriously engaged at the work, and will be able to furnish fifteen hundred books



per week, after the present week. For the present week, the number finished will not, perhaps, be over one thousand.

*Second.*—As to the delay in printing and binding, there has been none. On the contrary, the greatest diligence has been used, and the utmost possible speed at all consistent with an accurate and workman-like execution of the printing. A little comparison will show this: The Revised Statutes of 1843, containing 1,114 pages, and an edition of 10,000 copies, was considerably over a year in printing and binding. The Statutes of 1852, containing 1,238 pages in the two volumes, with an edition of 15,000 copies, have been printed, and one volume bound, in about six months. A sufficient number of the second volume can be bound to distribute to the counties, in compliance with the law, in from five to six weeks from this date. In the meantime, the packing into boxes for distribution, might be commenced almost immediately, as the binders can turn them out as fast as they can be put up and sent off. Some delay did occur, however, in consequence of the failure of the contractor to furnish paper as fast as wanted, while the printing was progressing, amounting in all, perhaps, to as much as twenty days.

*Third.*—It will be seen by the above calculation, that it is practicable to accomplish a general distribution of the Revised Statutes by the first Monday in April.

J. P. CHAPMAN,  
*State Printer.*  
 By ELLIS & SPANN.

Which was informally laid on the table.

The Speaker laid before the House the following communication from the Agent of the Colonization Society, in answer to a resolution of the House.

*To the Hon. Speaker and Members of the House of  
 Representatives of the General Assembly of Indiana:*

GENTLEMEN,—We respectfully submit a brief answer to your resolution of inquiry communicated by your Secretary on the 15th instant, in regard to the operation of the colonization agency of Indiana, the amount paid out of the State treasury for the work of colonization, and the number of colored persons who have emigrated from our State during the year 1852, together with the disposition of our colored people to emigrate.

There has been no regularly organized *agency* in this State during the year 1852, owing to the fact that our old State Society has been suspended, and the whole interests of the enterprise placed at the disposal of the State and under her management.

As to the amount expended out of the appropriation for 1852, *nothing has been expended.* Part of the sum appropriated is designed for the purchase of land in Liberia, and as the negotiations

in regard thereto are not yet completed, that part of the funds remains untouched in the treasury. The remnant designed to aid emigrants, cannot be drawn from the treasury until the appropriation law is in force—this delay has been unfortunate; for many emigrants are now ready to go out, so soon as the necessary means can be furnished.

It is with pleasure we state the number of applicants for transportation is increasing; but the check given, because of the unpublished state of the appropriation law has been somewhat injurious to our cause, from which embarrassments, we pray that your action will relieve the enterprise.

We would respectfully suggest a slight change in your colonization policy founded on the observations of last year. It is indispensably necessary to the vigor of the enterprise, that the State Board be empowered and required to appoint an agent to carry out the objects of its creation. It is necessary that such an agency be provided by the legislative department, for the following reason.

It is too often the case that the laudable expenditures of an existing administration are made the subjects of unjust animadversion by the opposition—hence, the disposition to guard against this danger—and in doing so, retrenchment takes place where the people require no such retrenchment; and necessary offices and benevolent institutions are the first sufferers.

In this light we respectfully ask you to assume the responsibility of creating a permanent office, having for its object the interests of colonization, and sustained by a small salary of, say \_\_\_\_\_ dollars per annum. For a year or so this office should be filled by an officer empowered to organize the work in the State. But subsequently sound policy will require that the salary you appropriate to its support, should be used to sustain a colored agency, filled by a man of color devoted to the separation of the races, and colonization in Africa. Such an agency will do more to produce emigration than any other or all other measures of policy that you can adopt, and will be of tenfold more advantage to our enterprise than the small sum required to sustain it. Nor will it be out of place to state, that several energetic men of color are now ready to enter on such a work—in which event the whole case will assume the character of an agreement between the white and colored inhabitants of Indiana, to quietly and amicably separate—the more fortunate and stronger race, aiding the weaker and less fortunate.

When our enterprise arrives at this stage, Indiana will present a noble spectacle and bright example to the sister States now covered with a portentous political gloom—and her measures on the negro question, like coruscations of light—will flash up and over our gloomy political horizon, showing others the way of security.

Or should not the State wish to assume the control of those necessary agencies, she can require the old Board of Colonization to reorganize, and give them the power to aid the State officers by

counsel and otherwise, and thus a union of the two bodies would give greater stability to your policy, and a promise of greater energy. The old association is composed of the best of men, and their long experience will be a warrant for the wisdom of their action; to such a board, thus composed, you may leave the mode of expending your appropriation, employing an agent, etc., requiring a regular report on the subject.

Humanity, as well as the reputation of your State, demand benevolent measures in regard to your colored inhabitants; and undoubtedly Indiana will be infinitely the gainer by such, for with her well digested *separation policy* firmly based on the rights of races, she can calmly and securely rear her head above the yet distant, but surely pending storm; the conjuring spirit of which is the demon of slavery—and in the midst of future agitation she will be prepared to meet all the possible forms of that strife, for she will present alike a brazen and unbroken front on her north-east border, to that crude and thoughtless benevolence which would Africanise a continent, given by Providence to the white races, and the equally unjust aggressions of the South whereby she would throw off, and force upon a homogeneous, peaceful and democratic people, an incompatible and servile race, to disturb the republican institutions of your commonwealth.

In the name of thousands of your fellow-citizens, we thank you for the attention you have given this subject, and close this communication by asking for the present colored inhabitants of Indiana, all the rights and privileges that you can possibly render them, in view of their gradually forming designs to emigrate; for it should not be forgotten that it is the cultivated and thinking portion of them, who are most disposed to fly from their present depressed state, showing clearly that education refines their feelings and makes an escape from degradation desirable.

For further information on this subject, we respectfully refer you to the House report of last year, which may be found in the Documentary Journal of 1852, in which the following points are discussed :

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I should add that the sum appropriated last year, although not drawn from the treasury, is devoted, and such action has been taken on the faith of the law, that so soon as we can get authority, we will draw and judiciously expend the whole sum. President Roberts has been directed by the government of this State to draw on it for \$3,000, so soon as the land asked of Liberia, has been surveyed and placed to our credit. As to the remaining \$2,000, it likewise has been devoted by promise to the persons who have placed themselves on the emigration list.

As to the appropriations for 1853 and 1854, we are prepared to judiciously expend the gifts of your largest liberality—holding ourselves accountable to you and to the public, for the manner of that expenditure.

A word may not be out of place in regard to the general feeling of the people of the State on the subject of your colonization policy. It is not saying too much to remark, that your separation policy gives general satisfaction, and an attempt to unsettle it or change its essential character will be the cause of restlessness and general displeasure; a thing, however, which we do not apprehend, for your action has shown that your State benevolence consists not alone in word, but in deed.

Respectfully submitted,

JAMES MITCHELL.

*Indianapolis, February 15, 1853.*

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THE SEPARATION POLICY OF INDIANA AS DISCLOSED IN HER PUBLIC  
ACTS—CONSTITUTIONAL PROVISION.

ARTICLE XIII.

*Negroes and Mulattoes.*

SECTION 1. No Negro or Mulatto shall come into, or settle in, the State, after the adoption of this Constitution.

SEC. 2. All contracts made with any Negro or Mulatto coming into the State, contrary to the provision of the foregoing section, shall be void; and any person, who shall employ such Negro or Mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

SEC. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such Negroes and Mulattoes, and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this article.

*Thirteenth.* At the time of submitting this Constitution to the electors for their approval or disapproval, the article numbered thirteen, in relation to Negroes and Mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye" or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution; otherwise, it shall be void, and form no part thereof.

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*Extract from the address of the Constitutional Convention on the subject.*

That all fines collected for any breach of this article shall be applied to the colonization of so many of the Negroes and Mulattoes, now in this State, as may desire to emigrate.

As to any further provision for colonization, it is left to future legislation. A majority of the Convention were of opinion, that the true interests alike of the white citizens of this State and of its colored inhabitants, demand the ultimate separation of the races; and that, as the negro cannot obtain, among us, equal social and political rights, it is greatly to be desired, that he should find a free home in other lands, where public opinion imposes upon color neither social disabilities nor political disfranchisement.

No additional disability, not found in the old Constitution, is imposed by the new, on Negroes or Mulattoes, or their descendants, who may be in the State at the time of the adoption of the amended Constitution.

The above constitutional provision was adopted by a larger majority, than that given to the rest of the Constitution; the unprecedented majority being 91,955 for the separate article.

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## A JOINT RESOLUTION

*On the subject of the Slave Trade, and for the purpose of Colonization.—Approved March 4, 1852.*

WHEREAS, Considerations of philanthropy and patriotism alike demand an earnest effort to suppress the African Slave trade, so long a reproach to the Christian world, and a base outrage upon an unfortunate race of our fellow-men: AND WHEREAS, The praiseworthy efforts heretofore employed for that purpose have proved ineffectual: Therefore,

*Resolved by the General Assembly of the State of Indiana,* That it is the judgment of said General Assembly that some other and more efficient policy should be adopted on that subject.

*Resolved, further,* That it is the judgment of said General Assembly that it is the duty of the Government of the United States of America, as the leading nation of the world, in advancing and maintaining the cause of civil and religious liberty, and ameliorating the unfortunate condition of mankind everywhere, by all proper and lawful means to use the necessary powers to crush effectually this revolting piracy.

*Resolved, further,* That reason dictates, and experience has shown, that this crime against our race, and the just laws of God, can be more certainly put down than by any plan heretofore tried, by the planting and rearing to maturity and power, colonial States upon the African coast, with republican forms of government, from the free black population of the United States; and that it is the duty of the Congress of the United States, and of the Legislatures of each of the States of this Union, to enact such laws in harmony with each other, as would promote a general system of colonization, not only for the purpose of suppressing the African slave trade, but also to separate, as far as possible, the white and black race upon this continent,—by sending off, where they might consent

to it, all colored persons in the United States, except those who may be held to service, to such colonial States, without cost, and providing for their comfort there for a reasonable period afterwards ; thus making some compensation to an injured race for the wrongs and oppressions of ages, and relieving ourselves from a population which, although amongst, can never be of us, in social or political rights ; and for that cause are at all times liable to become a source of public charge, and of public annoyance in each State where they may reside, and of causing irritation and bad neighborhood in the feelings of the States themselves.

*Resolved, further,* That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to procure the passage of laws by the Congress of the United States, and that all the sister States of this Union be likewise earnestly requested to co-operate, by similar laws, for the promotion of the foregoing objects.

*Resolved, further,* That the Governor forward a copy of these resolutions to each of our Senators and Representatives in Congress, to the Governors of all the States in the Union, and to the heads of the leading Colonization Societies in the United States ; and that he be requested to open a correspondence with such Societies, and other persons, within his discretion, who may be devoted to the objects aforesaid, with a view to elicit information generally, upon the subject, and especially to obtain plans best calculated to promote the objects above contemplated. And that he be further requested to lay such information before the General Assembly of this State, at its next annual meeting, with such recommendations touching them and the cause of colonization, as to him shall seem advisable.

#### THE LAW PROVIDING FOR A STATE ORGANIZATION.

*An act providing for the Colonization of Negroes and Mulattoes and their descendants, and appropriating 5,000 dollars therefor, constituting a State Board of Colonization, declaring the duties of said Board, and of State Treasurer and County Treasurers in relation thereto.—Approved April 28, 1852.*

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of colonizing negroes, mulattoes, and their descendants, that were residents of this State on the first day of November, one thousand eight hundred and fifty-one, and shall continue to reside in this State, that the sum of five thousand dollars is appropriated out of the State Treasury for the year one thousand eight hundred and fifty-two, [which] together with all fines collected for the violation of laws passed to carry out the provisions of article thirteen of the constitution of this State, and the voluntary contributions received for said purposes, shall constitute a State colonization fund, and be applied to the colonization in Africa of said negroes, mulattoes, and their descendants.

SEC. 2. Three thousand dollars of the money appropriated out of the State Treasury shall be used for the purchase of land in Africa, to be styled the Indiana colony, which shall be appropriated in one hundred acre lots, to such negroes, mulattoes, and their descendants, as designated in the first section of this act, as shall emigrate from this State to Africa, and occupy such land or control the same by resident acts of ownership, and the first emigrants shall have first choice in location of certificates within said purchase, and the State Board of Colonization shall determine from what points the measurement of said lands shall commence, and issue to emigrants such certificates for location as shall secure to them their just rights, and that all colored persons that have heretofore been sent to Liberia from this State by any colonization society, shall each be entitled to a certificate entitling them to one hundred acres of land within the territory so purchased.

SEC. 3. The State Board of Colonization are authorized to give to each negro or mulatto that shall be entitled to the benefits of this act, who shall emigrate to Africa, when they shall need aid, for said purpose, the sum of fifty dollars out of the State colonization fund, and said board shall determine the right of applicants, giving the preference to whole families when they shall desire it.

SEC. 4. The county treasurers of the several counties of this State shall receive all donations in money to aid colonization that may be offered; and take charge of all be-

quests by will or otherwise, of real estate, or any assets whatever, and in cases of such bequests other than money, the board of county commissioners are hereby made a board of council in reference to such bequests, and shall instruct the said treasurer to take such steps as in their judgment will make the assets bring the most in money, and as converted to pay over to the State Treasurer as heretofore provided, at the time required by law they shall pay in the State revenue.

SEC. 5. The Governor, Auditor and Secretary of State, shall, ex officio, constitute the State Board of Colonization, and as such have full powers, by correspondence with the officers of the republic of Liberia, or other persons, to carry out the provisions contemplated by the second section of this act, in acquiring title to land in Africa, and to do all other things contemplated they should, to carry out the provisions of this act, and shall report their proceedings to each General Assembly of the State.

SEC. 6. It shall be the duty of the Treasurer of State to receive from the county treasurers all colonization funds paid to him by them, and to pay out all such funds upon the order of the State Board of Colonization.

## A N A C T

*To enforce the Thirteenth Article of the Constitution.—Approved  
June 18, 1852.*

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall not be lawful for any negro or mulatto to come into, settle in, or become an inhabitant of the State.*

SEC. 2. The clerks of the several circuit courts in this State shall notice, by publication in the newspaper published in their respective counties having the greatest circulation, and if no newspaper be published therein, then by printed hand-bills posted up in three of the most public places in each township of such county, requiring all negroes and mulattoes who were inhabitants of the State prior to the first day of November, A. D. 1851, and entitled to reside therein, to appear before him for registry.

SEC. 3. It shall be the duty of each clerk of the said circuit courts to provide a suitable book, to be called the register of negroes and mulattoes, in which he shall record the name, age, description, place of birth and residence of each and every mulatto who may present himself or herself before him for the purpose of being registered, and also, the names of the witnesses by whom the right of such negro or mulatto to reside in the State of Indiana shall have been proven.

SEC. 4. The clerk of the said circuit court, when any negro or mulatto shall come before him for the purpose of being registered, shall have power to cause to come before him such witnesses as may be necessary to prove the right of inhabitation of such negro or mulatto, by process of subpœna, and shall proceed to hear and determine the right of such negro or mulatto.

SEC. 5. When the right of any such negro or mulatto shall have been proven to the satisfaction of such clerk, he shall register the said negro or mulatto in his register of negroes and mulattoes, and shall also issue to such negro or mulatto a certificate, under the seal of the said court, and attested by such clerk, setting forth the facts contained in such register; which certificate shall be conclusive evidence of the facts therein stated in all prosecutions against the employers of negroes or mulattoes, unless it is shown that said employer had notice that the same was obtained by fraud or other undue means, or was not genuine, and the same shall be *prima facie* evidence only in all other cases, and shall be issued to such negro or mulatto without charge.

SEC. 6. All contracts made with negroes or mulattoes who shall have come into the State of Indiana subsequent to the first day of November, A. D. 1851, are hereby declared null and void.

SEC. 7. Any person who shall employ a negro or mulatto who shall have come into the State of Indiana subsequent to the thirty-first day of October, in the year one thousand eight hundred and fifty-one, or shall hereafter come into the said State, or who shall encourage such negro or mulatto to remain in the State, shall be fined in any sum not less than ten dollars nor more than five hundred dollars.



SEC. 8. This act shall apply only to contracts made with negroes and mulattoes subsequent to the passage of this act.

SEC. 9. Any negro or mulatto who shall come into or settle in this State contrary to, and in violation of the provisions of the constitution, and of the first section of this act, shall be fined in any sum not less than ten, nor more than five hundred dollars.

Mr. Hamrick moved to lay the communication on the table and print 200 copies.

Mr. Read moved to amend by printing 2,000 copies;

Which motion did not prevail.

Mr. Hamrick changed his proposition by printing 500 copies;

Which was agreed to.

On motion by Mr. Hamrick,

Senate joint resolution No. 26, a joint resolution in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal;

Was taken from the table; when,

On motion by Mr. Hamrick,

The joint resolution was committed to the committee on the Judiciary, with the following instructions:

Strike out the words "joint resolution," wherever they occur, and insert the words "an act."

Strike out the word "resolved," in first line of first section and insert the word "enacted," and with instructions to inquire into the general features of the same and report accordingly.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bill of the House No. 140, and find the same correctly engrossed.

On motion by Mr. Manville,

The House adjourned.

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2 O'CLOCK, P. M.

House met.

Mr. Johnson offered the following resolution:

*Resolved*, That the committee on Swamp Lands be instructed to report a bill amending the law on the subject of the swamp lands so as to require said lands to be sold for a sum over and above one dollar and twenty-five cents per acre, sufficient to defray the expenses of draining the same.



Mr. Orr moved to lay the resolution on the table.

Mr. McDonald of Lake moved to indefinitely postpone the resolution ;

And the question being put,

The ayes and noes were demanded by Messrs. Parker and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Hartley, Henry, Henton, Hooper, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Catlin, Donelson, Druley, Dunham, Gootee, Greene, Harris, Hicks, Johnson, Jones of Ripley, and Scott—11.

So the resolution was indefinitely postponed.

On motion by Mr. Hicks,

*Resolved*, That the select committee on banks be requested to report their action on the subject of banks at their earliest convenience.

On motion by Mr. Stockwell,

*Resolved*, That the Judiciary, committee be instructed to inquire whether sections 43, 133, 134, 135 and 136, of the act providing for the settlement of decedents' estates, approved June 17, 1852, are applicable to the estates of persons who died prior to the taking effect of that act, and if the provisions of said sections do embrace the estates of persons who died prior to the taking effect of said act that said committee further inquire whether the said sections as to such estates are not unconstitutional as to the heirs of such deceased persons, on the ground of their attempting to interfere with vested rights, and as to creditors, on the ground of imposing the obligation of contracts, and that the committee report by bill or otherwise.

The Speaker laid before the House the following communication from the Auditor of State in answer to a resolution of the House:

OFFICE OF AUDITOR OF STATE, )  
Indianapolis, February 14, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—The following resolution of the House of Representatives was received this day, viz:

*Resolved*, That the Auditor of State be requested to communicate to this House, the amount of stocks actually deposited with him under applications made to establish banks under the free banking law, and what stocks have been received, specifying the amount of each State and of the United States so received.

In compliance with the resolution, I herewith submit the subjoined statement, showing the names, location, amount and description of stocks of the several banks organized under the general banking law, approved May 28th, 1852, and which have deposited stocks, viz:

STATE STOCK SECURITY BANK, AT NEWPORT.

Indiana five per cent. stock .....	\$5,000
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STATE STOCK BANK OF INDIANA, AT PERU.

Indiana five per cent. stock ... ..	\$40,000	
Indiana two and a half per cent. stocks .....	50,684	\$90,684

PLYMOUTH BANK, AT PLYMOUTH.

Indiana five per cent. stocks .....	\$50,000
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INDIANA STOCK BANK, AT LAPORTE.

Indiana five per cent. stocks .....	\$24,000	
Michigan six per cent. stocks .....	26,156	\$50,156

PRAIRIE CITY BANK, AT TERRE HAUTE.

Indiana five per cent. stocks .....	\$123,000	
Tennessee six per cent. stocks .....	6,000	\$129,000

**SOUTHERN BANK OF INDIANA, AT TERRE HAUTE.**

Virginia six per cent. stocks .....	\$50,000
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**DROVERS' BANK, AT ROME.**

Indiana five per cent. stocks .....	\$5,000
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**BANK OF CONNERSVILLE.**

Indiana five per cent. stocks.....	\$463,500	
Indiana two and a half per cent. stocks.....	390	\$463,890

**STATE STOCK BANK, AT LOGANSPORT.**

Indiana five per cent. stocks.....	\$115,000	
Michigan six per cent. stocks.....	53,000	\$168,000

**WABASH VALLEY BANK, AT LOGANSPORT.**

Louisiana six per cent. stocks .....	\$62,000
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**GOVERNMENT STOCK BANK, AT LAFAYETTE.**

Indiana five per cent. stocks .....	\$50,000
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**MERCHANTS' BANK, AT LAFAYETTE.**

Indiana five per cent. stocks .....	\$5,000	
California seven per cent. stocks .....	26,000	\$31,000

**GRAMERCY BANK, AT LAFAYETTE.**

Indiana five per cent. stocks .....	\$25,000
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**PUBLIC STOCK BANK, AT NEWPORT.**

Indiana five per cent. stocks .....	\$85,500
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**BANK OF NORTH AMERICA, AT NEWPORT.**

Indiana five per cent. stocks .....	\$25,000
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## RECAPITULATION.

Whole number of banks doing business, 15.		
Total amount of capital of these 15 banks.....	\$2,950,000	
Total amount of stocks deposited, viz :		
Indiana five per cent. stocks .....	\$1,016,000	
Indiana two and a half per cent. stocks...	51,074	
Michigan six per cent. stocks.....	79,156	
Louisiana six per cent. stocks.....	62,000	
Virginia six per cent. stocks.....	50,000	
California seven per cent. stocks.....	26,000	
Tennessee six per cent stocks.....	6,000	\$1,290,230

No United States stocks have been deposited. The California seven per cent. stocks deposited in trust for the Merchants Bank at Lafayette, are held only as collateral security upon an issue of sixteen thousand dollars to the bank. These stocks will be taken up and others deposited instead.

Respectfully submitted,

JOHN P. DUNN,

*Auditor of State.*

Mr. Dodd moved to lay the communication on the table and print 200 copies.

Mr. Work moved to amend by striking out 200, and inserting 500 in lieu thereof.

Which was not adopted.

And the question recurring on Mr. Dodd's motion,  
It was agreed to.

On motion by Mr. Maxfield,

*Resolved*, That this House will, the Senate concurring, adjourn *sine die* on Monday the 7th of March next.

Mr. Milroy offered the following resolution :

*Resolved*, That the House of Representatives meet from and after Feb. 15th at half past eight o'clock.

Which was not adopted.

On motion by Mr. Stockwell,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of reporting a bill authorizing the widows of decedents who may have neglected, failed or refused before the return of the inventory to select the personal property to which they were or may be entitled, to receive in money at any time prior to the distribution of the estate an amount equal to the property they might have so selected.

Mr. Cooper offered the following resolution:

*Resolved*, That the Judiciary committee inquire into the expediency of altering the law concerning the settlement of decedents' estates as follows:

To require executors and administrators to submit in each term of the court of common pleas, the amount of moneys collected, as such executors and administrators, and from whom, the amount paid out and to whom, the amount loaned out and to whom; which account may be sent to said court signed by such executors or administrators.

That such executors or administrators may pay all just demands against decedents when known to be just, and also take the affidavit of the claimant for what it is worth as proof: it shall not be obligatory in all cases for them to pay what moneys they have on hand to the clerk of the court of common pleas. And such executors and administrators shall seek opportunities to loan on interest any unexpended amounts not needed for present use, taking good and approved security for the same.

On motion by Mr. Pratt,

The resolution was laid on the table.

On motion by Mr. Manville,

*Resolved*, That the doorkeeper furnish one copy to each member of this House of the 2nd vol. of the revised Statutes of 1852, if a sufficient number is now ready for distribution.

#### HOUSE JOINT RESOLUTIONS.

Mr. McClure obtained leave and introduced

No. 27. A joint resolution in relation to a proviso contained in an act of congress, approved September 28th, 1850.

Which was read a first time.

Mr. McDonald of Lake moved to reject the joint resolution.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Hammond, Handy, Hartley, Henry, Henton, Hooper, Howell, Hunt, Jennings, Jones of Boone, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, DeDonald of Lake, McKinney, Milroy, Orr, Parker, Peckenpough,

Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Yount—74.

*Those who voted in the negative were,*

Messrs. Donelson, Druley, Durham, Gootee, Greene, Hamrick, Harris, Hendricks, Hicks, Johnson, Jones of Jennings, Jones of Ripley, Laird, McClure, Shelby, Sutton, and Mr. Speaker—17.

Mr. Bridges refusing to vote.  
So the joint resolution was rejected.

Mr. Pratt obtained leave and introduced

No. 29. A joint resolution in relation to Mr. J. S. Brown, late superintendent of the Institution for the education of the Deaf and Dumb in the State of Indiana.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

Mr. Buell obtained leave and introduced

No. 170. A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased.

Which was read a first time and passed to a second reading.

Mr. Hendricks obtained leave and introduced

No. 171. A bill supplemental to an act entitled "an act concerning real property, and the alienation thereof," approved May 6th, 1852.

Which was read a first time and passed to a second reading.

Mr. Pratt obtained leave and introduced

No 172. A bill providing for the exemption from taxation of the real and personal property of Masonic and Odd Fellows' Lodges to the same extent provided by law in favor of literary, benevolent, charitable and scientific institutions.

Which was read a first time and passed to a second reading.

Mr. Lines obtained leave and introduced

No. 173. A bill to repeal part of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connectnd with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

Mr. Cooper moved to take up the special order, which was the report of the committee on Ways and Means, recommending the indefinite postponement of bill of the House

No. 92. A bill to amend an act entitled "an act in relation to applying certain funds therein named, to the payment of the public debt," approved June 18th, 1852.

Which was agreed to.

On motion by Mr. Hooper,

The House went into the Committee of the Whole on the above named bill;

Mr. Gentry in the chair.

After spending some time in the consideration of the bill, the committee arose and reported progress, through Mr. Gentry their chairman, to-wit:

MR. SPEAKER:

The committee of the whole House to whom was referred bill of the House No. 92, have had the same under consideration, and direct me to report the same back with one amendment, and ask to be discharged from the further consideration thereof.

Amend so as to strike out the word "ten" wherever it occurs and insert "five."

The Speaker decided the first question to be on indefinitely postponing the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Farnsley and Cooper.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell, Bundy, Burnett, Clark, Donald, Dufour, Dunlavey, Emery, Ferris, Gentry, Graham, Hamrick, Handy, Harris, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Martin, McCormick, McClure, McKee, McKinney, Milroy, Parker, Peckenpaugh, Pratt, Richardson, Rockafellar, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Turpie, Walker of Rush, Wilson, Work, and Yount—60.

*Those who voted in the negative were,*

Messrs. Chapin, Cooper, Donelson, Farnsley, Fleming, Freeland,

Hicks, Lemmon, Lowe, Manville, McDonald of Lake, Orr, Price, Shelby, Walker of Laporte, and Mr. Speaker—16.

So the bill was indefinitely postponed.

Mr. Laird moved to take from the table bill of the House,

No. 109. A bill to amend an act entitled, "an act to incorporate the Cannelton Steam Mill and Manufacturing Company," approved February 16, 1848, changed to the name of the Troy Manufacturing Company by an act approved January 15, 1849, to enable said company to increase its capital stock to \$200,000, to hold real estate to the amount of \$50,000, and to manufacture cotton.

Which was agreed to.

On motion by Mr. Laird,

The bill was amended as follows:

That section two of the original act approved February 16, 1848, be and the same is hereby amended to read as follows, to-wit:

"The capital stock of said corporation shall not exceed two hundred thousand dollars each, and the said corporation shall have the right to hold and possess such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value fifty thousand dollars, exclusive of buildings and improvements erected thereon by said corporation: *Provided*, that said real estate so held and possessed shall all be in the county of Perry in this State."

SEC. 2. *And be it further enacted*, that section two of an act amending the act incorporating the Cannelton Steam Mill and Manufacturing Company, and changing the name of said company, approved January 15, 1849, be and the same is hereby amended to read as follows, to-wit: "That said company are hereby authorized to mine or dig and sell coals on any lands which they now own, or may hereafter purchase in the county of Perry in this State, also to manufacture cotton.

Which was adopted and the bill ordered to be engrossed.

No. 157. A bill to provide for cutting and removing the timber from the reservoir in Gibson county, Indiana, on the line of the Wabash and Erie canal, and for removing the timber from reservoirs hereafter to be created on the line of said canal;

Was read a second time.

Mr. Gentry moved to amend the bill as follows: Strike out from the enacting clause, and insert

That the Governor of the State be, and he is hereby authorized and empowered to select and appoint three disinterested, competent and scientific physicians to make such observations and examinations in regard to the reservoir in Gibson and Clay counties, during the ensuing summer or fall, at suitable times as will test the effect of said reservoirs and the standing timber upon the same, upon the health of the surrounding country, and report the result of such observations and examinations to the Governor, as early as the first day of January, 1854; and that copies of said report, when so made, shall be



forwarded to the board of trustees of the Wabash and Erie canal, and to the board of county commissioners of Gibson and Clay counties, and that until said report is made and transmitted to said boards, the suits now pending against the said board of trustees of the Wabash and Erie canal, in the counties of Gibson and Clay, for constructing and maintaining said reservoirs, and leaving the timber standing on the same, shall be continued without prejudice to either party.

**SEC. 2.** *Be it further enacted,* That the expenses incurred in these examinations, shall be paid by the trustees of the Wabash and Erie canal.

Amend further by striking out the preamble from the word "whereas," and insert the following:

"It is represented to the General Assembly of the State of Indiana, that the erection of a reservoir or reservoirs in the county of Clay, and the creation of a reservoir in the county of Gibson, by the trustees of the Wabash and Erie canal, for the purpose of supplying water for said canal to its terminus at Evansville, on the Ohio river, have been the occasion and cause of sickness in the neighborhood of said reservoir, in consequence of the standing timber in the same; and whereas, the trustees aforesaid deny and are prepared to maintain that no such consequences have resulted, or can result, from leaving the said timber standing; and whereas, it is impossible for this General Assembly to decide, from exparte testimony, a matter involving the outlay of many thousands of dollars of the trust funds, placed at the disposal of said trustees, a want of fidelity to our engagements with the bondholders; and whereas, the alleged injury to the health of the neighborhood cannot be ascertained without an examination and thorough investigation of the whole subject by medical men of science and experience, and their judgment and determination had as to the effect of constructing said reservoirs and leaving said timber standing in the same; and whereas, it is represented that the trustees of said canal are disposed to have the questions involved fully and fairly tested, and the same settled satisfactorily to all parties, and on terms which shall be honorable to all; therefore,"

When,

On motion by Mr. Gentry,

The bill and pending amendments were referred to the committee on the Judiciary.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed bills have examined engrossed bills of the House Nos. 126 and 131, also engrossed amendments to Senate bills Nos. 7 and 43, and find the same correctly engrossed.

On motion by Mr. Spencer,

The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 16th, 1853. }

House met pursuant to adjournment; Mr. Pratt in the Chair.

Mr. Ferguson moved to dispense with the reading of the journal;  
Which was not agreed to.

The Clerk proceeded to read; when,

On motion by Mr. Lowe,  
The further reading was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Druley:

A petition from 290 citizens of Union county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Lowe:

Two petitions from sundry citizens of Spencer and Warrick counties, on the subject of roads;

Which were referred to the committee on Roads.

By Mr. Shoemaker:

A petition from 86 voters and 56 ladies of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Ferguson:

A petition from citizens of this State, for the repeal of the act for the settlement of decedents' estates, approved June 17, 1852;

Which was referred to the committee on the Judiciary.

By Mr. Ferguson:

A petition from sundry citizens of this State, praying the passage of a law making forcible entry and detainer an indictable offense, and punishable by fine and imprisonment;

Which was referred to the committee on the Judiciary.

By Mr. Bridges:

A petition from 82 ladies of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Bridges:

A petition from 92 voters of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

## REPORTS FROM COMMITTEES.

Mr. Dodd, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred bill of the House No. 81, entitled an act to provide for the exemption from taxation the property of widows and children in certain cases, have had the same under consideration, and have directed me to report the same back to the House with the following amendment: Strike out the first and second sections from the enacting clause, and insert in lieu thereof the following:

That whenever the total amount of property assessed against any widow for taxation shall not exceed five hundred dollars, three hundred dollars thereof shall be exempt from taxation.

When,

On motion by Mr. Jennings,

The bill and pending amendment were referred to the committee on the Judiciary.

By unanimous consent,

Mr. Gentry presented a remonstrance on the subject of the repeal of the charter of the town of Bloomington.

Which was referred to the committee on Corporations.

Mr. Steele, from the committee on Military Affairs, made the following report:

**MR. SPEAKER:**

The committee on Military Affairs, to whom was referred a joint resolution of the Senate, No. 9, relative to granting pensions to widows and orphans, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which was concurred in, and the joint resolution ordered to a third reading.

Mr. Henry, chairman of the committee on Claims, made the following report:

**MR. SPEAKER:**

The committee on claims, to whom was referred the claim of George A. Davis for bringing James M. Davis, a fugitive from justice under a requisition from his excellency the Governor of the

State of Indiana, said fugitive being brought from Hannibal, in the State of Missouri, to Greene county, State of Indiana, have had the same under consideration, and it appears from the bill of items herewith submitted, that the money paid out by the said George A. Davis amounted to \$102.65. A majority of the committee, from the circumstances connected with this transaction, are of the opinion that the said George A. Davis should not be allowed anything for his time, and therefore recommend that the committee on Ways and Means incorporate into their specific appropriation bill the sum of one hundred and two dollars and sixty-five cents as a compensation in full to the said George A. Davis; and the committee ask to be discharged from the further consideration of this subject.

The report was concurred in, and referred to the committee on Ways and Means.

Mr. Turpie, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee upon corporations, to whom was referred resolution No. 20 of this House, instructing them to inquire whether the present assessment law does or does not tax the stockholders both in his individual capacity and also in his corporate capacity, have had the same under consideration, and have instructed me to report, that in the opinion of the committee, although the act is extremely ambiguous and obscure, a double taxation is not contemplated in the present law, and not authorized by the same. But that the law provides for a double assessment of said stocks, is, perhaps, to the officers generally performing the duties prescribed by the same, clear; and is extremely dubious, even to persons in the habit of construing statutory enactments. To prevent mistakes, therefore, and to render clear what was evidently the intent of the framers of the present law, the committee have instructed me to report,

No. 174. A bill to provide that the stocks of companies, corporations and bodies politic, organized under the laws of this State, whose principal office or president is within the same, shall not be listed by persons holding the same, for taxation, against them in their individual capacity.

Which was read a first time and passed to a second reading.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER:**

The committee on the Rights and Privileges of the inhabitants of the State, to which was referred Senate bill No. 54, amending section 37, of the act defining misdemeanors and prescribing punish-

ment therefor, approved June 14, 1852, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

Which was concurred in, and the bill ordered to a third reading.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER :**

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred the petition of James Mitchell and forty-nine citizens of Starke and Marshall counties, praying this Legislature to enact a law defining the right of petition. Stating on what subjects, if any, children shall be heard in the Legislature of the State, and if heard, that their ages shall be appended to their names, and that all petitions in order to be heard and acted on, shall state the locality, or place of residence of the petitioners, have had the same under consideration, and have unanimously instructed me to report ; that the object sought to be obtained by the petitioners, cannot easily be arrived at. The right of petition is guaranteed to all, without distinction. The Legislature have the right to consider the credibility of the petitioners, and act upon their claims as in their judgment, the measure petitioned for, demands. The committee, therefore, are of opinion that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Orr, from the committee on County and Township business, made the following report :

**MR. SPEAKER :**

The committee on County and Township business, to which was referred House bill No. 149, entitled an act authorizing the township trustees in the several townships in this State, to administer all oaths, connected with their respective duties as township trustees, have had the same under consideration and have directed me to report the same back to the House, and respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Howell, chairman of the committee on County and Township Business, made the following report :

MR. SPEAKER:

The committee on County and Township Business, to whom was referred Senate bill No. 59, a bill to amend an act entitled an act for a more uniform mode of doing township business, approved May 6, 1852, with instructions to amend said bill so as to conform to the fee bill as provided for in Revised Statutes, page 290, have had that subject under consideration, and directed me to report the bill back to the House without amendment, as the provisions in the bill do conform to the fee bill referred to in said instructions and recommend its passage, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the bill ordered to a third reading.

Mr. Buell, from a select committee, made the following report:

MR. SPEAKER:

The select committee appointed on the part of the House to inquire into the facts relative to the late reported refusal of the Bank of North America, at Newport, Indiana, to redeem its paper, have had said resolution under consideration, and beg leave respectfully to submit the following report:

The committee summoned Governor Joseph A. Wright, Francis King, Thomas H. Sharpe, and Mr. Tarkington, who testified on the 1st instant, before committee, substantially as follows:

GOVERNOR WRIGHT.—I sent \$150 a short time since of Newport paper to my brother-in-law who presented it at the bank and received the gold.

While on the river a few weeks since, I conversed with Mr. Sanford of Cincinnati, in regard to the free banks. It was said there was considerable of the Newport money in circulation: I told him if he had any of it he could send it out to me, and I could forward it by Tarkington. Tarkington is a young man in my office studying law. I was anxious to know whether the bank had any bottom or not, and sent the \$150, to ascertain the state of things. Upon being asked where the \$1,500, said to have been presented at the Bank of North America, came from, the Governor remarked that he did not know, but that he intended to forward all the paper he could get hold of.

THOMAS H. SHARPE.—I am cashier of the Branch Bank at Indianapolis. I received a package of notes from Cincinnati on the Bank of North America, to the amount of \$1,500, with directions to hand it to a certain individual. Upon being asked who that individual was, Mr. Sharpe replied: Governor Wright. I handed it to him within the last ten days. Gov. Wright appeared to be surprised that the notes were sent to him; spoke of a conversation he had on

board a steamboat with Mr. Sanford in relation to the paper of the Bank of North America. The package was accompanied by a letter: I delivered both to Gov. Wright. Gov. Wright knew from whom the money came. Mr. Sharpe being interrogated as to who forwarded the package, declined furnishing any name; said it was not from a corporation.

FRANCIS KING.—I am the Private Secretary of the Governor. About ten days since, I heard Governor Wright say to Mr. Tarkington he would have to go to Newport. The remark was made in connection with the presentation of a package of bank notes at that place. Some gentleman called Gov. Wright out, (I am not certain but it was Calvin Fletcher), after his return, he told Tarkington "he would have to go."

TARKINGTON.—I am 21 years old—have no acquaintances among the bankers or brokers in Cincinnati—am studying law, boarding with Gov. Wright. A week ago to-day I started to Newport on the cars, with three hundred notes all of the same plate. Gov. Wright handed me the \$1,500 remarking that there was some money to take to Newport—Governor supposed it was from Sanford of Cincinnati—told me to take it to Newport and get the gold; said if the gold should not be paid upon it, I would have to protest from 3 to 5 bills. I reached Newport next morning—was referred to Mr. Malone, asked him if he was cashier, he said he attended to the business, I told him I had some paper which I wanted redeemed, and asked him if he would go to his banking house; he wanted to know who sent me; said his banking days were Tuesdays and Fridays—remarked that he would be open the next day at 10 o'clock. I called at the time appointed, he said he would not pay me a cent, that he knew my object, that he had the money on hand. He was in a sitting room where there was a safe. Dr. Waterman came over, and we closed the demand 15 minutes before 2; presented and demanded payment of each note separately. I had not the protests printed at the time, they were printed in Terre Haute. Dr. Waterman's charges were 75 cents on each bill—\$225. The agreement with Waterman was to pay me about one-third of the fees to cover expenses, &c. On yesterday I placed the notes with the protests in the office of the Auditor of State, where they were redeemed with gold. The agent came in while I was depositing the notes.

On the 3d instant, Geo. W. Brown testified before the committee substantially as follows:

Last Wednesday or Thursday I saw three \$500 packages of money in the Governor's room; one lot in the hands of Gov. Wright, another in the hands of Francis King, and another in the hands of Mr. Tarkington; all were counting money; I understood from the conversation the object was a *run* upon a bank on the Wabash.

On the 15th instant, J. M. Moore, cashier of the Madison Branch Bank, testified as follows:

About the middle of January, I had a conversation with Governor

Wright in regard to the free banks. Among other institutions doing business under the general law of last session, the Bank of North America at Newport was mentioned. The Governor expressed surprise at my supposing any such bank to be located at Newport. I told him I was in the habit of handling the paper of this bank and could not be mistaken. He then requested me to send him some of it the first opportunity. I accordingly, a short time afterwards, forwarded to him a hundred and fifty-five dollars in this paper for which I received other notes. On the 17th of January, Mr. Sandford of Cincinnati called upon me in Madison; said he had come down the river with Gov. Wright; expressed a desire to be introduced to him. I went with him to the boat and gave him an introduction. Shortly after this, being in Cincinnati, Mr. Sandford handed me a package containing \$1,500 in notes on the Bank of North America; remarked that the package was for Gov. Wright; that the Governor requested him to send the money to him; I forwarded the package to Thos. H. Sharpe of Indianapolis, with directions to hand it to Gov. Wright. I had no connection with the matter whatever. But merely forwarded the money in compliance with the request of Mr. Sandford, who had previously assured me that the Governor desired to receive it.

From the above testimony it appears that the run upon the Bank of North America was the result of some sort of an arrangement between certain citizens of the State of Ohio and others of the State of Indiana.

What particular object they could have had in view it is difficult to conjecture, unless, as is most probable, they intended by throwing temporary discredit upon one of the free banks of this State, to influence the action of the present Legislature upon the system of free banking. Certain it is, no good whatever has resulted from the course which has been pursued. On the contrary, no little inconvenience has been experienced by many citizens of the State. The brokers of Cincinnati, improving upon the hue and cry raised against the Bank of North America; by their united efforts on the street and through the public press, appear to have succeeded in casting a temporary reflection upon the value of all Indiana free bank paper and to be now reaping a very fair pecuniary harvest in a shave of something like five cents on the dollar.

It is seriously to be regretted that there should be any in our midst apparently disposed to use undue influences in order to break down and cast odium upon a system of banking now in its infancy in the West, but which is the result of many centuries of financial legislation, and is probably the best which has ever obtained in the world.

It is nevertheless the unanimous opinion of the committee that every bank should be compelled to redeem its paper upon presentation. Sound policy and a due regard to the interests of the people of the State dictate that a suspension of specie payment should not under any circumstances be countenanced by our laws.



The committee would respectfully suggest that some very stringent provisions are necessary in order to compel foreign bankers to carry on a legitimate banking business within this State.

There are doubtless a number of institutions in the State similar to those which, in the State of New York are denominated moveable banks. As subject of taxation and offices for redemption, they will prove almost inaccessible to the people. The committee would respectfully recommend that every bank be compelled to have a regular banking office, to keep said office open a certain number of hours each day, and to pay a heavy forfeit, or be subject to be put in a state of liquidation by the Auditor upon every failure to redeem its paper.

Your committee ask to be discharged from the further consideration of the subject.

Mr. Manville moved to lay the report on the table, and print one thousand copies.

Mr. Wilson moved to amend by striking out "one thousand," and inserting in lieu thereof "five hundred."

And the question being on Mr. Manville's proposition,  
It was decided in the affirmative.

Mr. Laird presented the following dissent:

**MR. SPEAKER:**

As one of the select committee to whom was referred the resolution as to the run on the Bank of North America, at Newport, do hereby beg leave to dissent to the report of the committee.

#### RESOLUTIONS.

Mr. McDonald of Lake offered the following resolution:

*Resolved*, That the select committee on Banks be instructed to report a bill to this House, making provision for the filing an additional amount of stocks in United States, and of the following States, viz: Indiana, Michigan, Ohio, Virginia, Kentucky, Pennsylvania, New York and Massachusetts alone, and without any provision for bonds and mortgages on real estate.

On motion by Mr. Buell,  
The House adjourned.

2 o'clock, P. M.

House met.

After some debate on the resolution pending at last adjournment, Mr. Milroy called for the previous question;  
Which call was seconded by the House.

The question then being, shall the main question be now put,  
It was decided in the affirmative.

The question then being on the adoption of the resolution,  
And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brown, Bundy, Catlin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Graham, Handy, Harris, Hartley, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lemon, Lewis, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Price, Read, Richardson, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Yount, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brothwell, Buell, Burnett, Cooper, Dyer, Goodman, Gootee, Greene, Hammond, Hamrick, Hendricks, Henry, Henton, Jennings, Jones of Jennings, Laird, Lines, Martin, Peckenaugh, Pratt, Rockafellar, Scott, Shelby, Steele, Stockwell, Taber, Walker of Rush, and Work—30.

So the resolution was adopted.

On motion by Mr. Richardson,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, instantler, for the purpose of electing a State Agent, and that seats be provided on the right of the Speaker's chair.

On motion by Mr. Orr,

*Resolved*, That the committee on County and Township business inquire into the expediency of reporting a bill to this House, providing for an appeal from the decision of the trustees of the several townships in this State to the circuit court, or the court of common pleas, or the county commissioners' court, and report without delay.

On motion by Mr. Durham,

*Resolved*, That the committee on the affairs of the State Prison have permission to send for persons to give testimony connected with that institution, which persons shall be examined under oath.

On motion by Mr. Goodman,

*Resolved*, That the committee on corporations are hereby instructed to inquire into the expediency of extending the term of office of mayor of cities from one to two years and report by bill or otherwise.

On motion by Mr. Freeland,

*Resolved*, That the select committee on Banks to which was referred bill No. 64, for the repeal of the free banking law be required to report on said bill to-morrow morning at nine o'clock.

On motion by Mr. Scott,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law touching the relation of guardian and ward, that only one bond shall be required where one person becomes the guardian of several minors at the same time, and report by bill or otherwise.

The Senate came into the Hall of the House, when both Houses proceeded in joint convention, by a viva voce vote, to the election of Agent of State for the State of Indiana, to fill the vacancy which will occur by the expiration of the term of service of the present incumbent, Allen May.

*Those who voted for John M. Lord on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Gordon, Greathouse, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Robinson, Shellenberger, Shields, Shook, Slater, Spann, Sullivan and Wilson of Jay.

*And those on the part of the House were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Max-

field, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Rockafellar, Shoemaker, Simpson, Spencer, Stackhouse, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work Yount and Mr. Speaker—106.

*Those who voted blank on the part of the Senate were,*

Messrs. Butler, Edwards, Griggs, Harris, Hendry, Meeker, Odell, Simpson and Williams.

*And those on the part of the House were,*

Messrs. Burnett, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Harris, Hooper, Jennings, Johnson, Laird, Lines, Peckenpaugh, Pratt, Scott, Service, Shelby, Shuman, Steele, and Taber—30.

John M. Lord having received a majority of all the votes given, was declared by the president of the convention, duly elected Agent of State for the State of Indiana, to serve as such for the term of two years from and after the expiration of the term of service of the present incumbent.

The president then adjourned the convention, and the Senate retired to their chamber.

Mr. Hooper offered the following resolution:

*Resolved*, That the committee on Education be instructed to require the State Board of Education, in purchasing township school libraries, to purchase one copy of Webster's Unabridged Dictionary, for each of said libraries.

Which was not adopted.

#### BILLS INTRODUCED.

Mr. Price obtained leave and introduced

No. 175. A bill to provide for the postponement of the Marion circuit court during a part of the session of the Supreme court.

Which was read a first time and passed to a second reading.

Mr. Bridges obtained leave and introduced

No. 176. A bill to prevent the adulteration and the counterfeiting of ardent spirits and frauds therein.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*House Bills on second reading.*

No. 158. A bill to amend an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Was read by its title; and,

On motion by Mr. Graham,

Referred to the committee on Ways and Means.

No. 159. A bill giving common pleas courts, concurrent jurisdiction with circuit courts in divorce cases, and complaints of bastardy and surety of the peace;

Was read a second time; when,

On motion by Mr. Gentry,

The bill was referred to the committee on the Judiciary.

No. 160. A bill to amend section 4 and section 6, of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852;

Was read by its title; and,

On motion by Mr. Ryan,

The bill was referred to the committee on the Judiciary.

No. 161. A bill suspending the operation of certain sections of an act therein named, for one year;

Was read a second time.

Mr. Jones of Ripley moved to amend by striking out "one year," and inserting in lieu thereof, "two years."

When,

On motion by Mr. McDonald of Lake,

The bill and pending amendment were referred to the committee on Swamp Lands.

No. 162. A bill to repeal the 16th, 17th, 18th, 22d, 23d, 25th, 26th and 27th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852, and to revive the 4th article of the 28th chapter, and the 140th and the 141st sections of the 6th article of the 28th chapter of the Revised Statutes of 1843, and to regulate in certain cases the descent of estates;

Was read by its title; and,

On motion by Mr. Hamrick,

Referred to the committee on the Judiciary.

No. 163. A bill amendatory of the 66th section of "an act providing for the settlement of decedents' estates," approved June 17, 1852;

Was read by its title; and,

On motion by Mr. Gentry,

Referred to the committee on the Judiciary.

No. 164. A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois Railroad Company," approved February 8, 1851;

Was read a second time; when,

On motion by Mr. Stockwell,

The bill was referred to a select committee, consisting of Messrs. Stockwell, Donald, Dyer, Hamrick and Freeland.

No. 165. A bill fixing the salary of the chaplain of the State Prison, providing the manner of paying the same and repealing the thirteenth clause of the 1st section of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same," approved June 18, 1852;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the State Prison.

No. 166 A bill to regulate the taking of appeals from the court of common pleas;

Was read a second time; when,

On motion by Mr. Hicks,

The bill was referred to the committee on the Organization of Courts of Justice.

#### HOUSE BILLS ON THIRD READING.

No. 78. A bill defining the powers and duties of the judge of the court of common pleas, and of the officers of that court in preliminary examinations of offences against the law, and repealing section 3 of an act, approved June 11, 1852, entitled an act to provide for the election and certain duties of prosecuting and district attorneys;

Was read a third time; when,

On motion by Mr. Chapin,

The bill was laid on the table.

No. 114. A bill for the relief of Henry Pettinger of Delaware county, and prescribing the duties of the auditor of said county in relation thereto;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman,

Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Ripley, Laird, Lasselle, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—76.

*Those who voted in the negative were,*

Messrs. Donelson, Dufour, Hamrick, Johnson, Jones of Boone, Lemmon, McClure, Moss, Scott, Shelby, Struble, Sutton, and Taber—13.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Gentry,

No. 54. A bill to establish a house of refuge for juvenile offenders in the State of Indiana;

Was taken from the table and placed on the files.

No. 124. A bill to provide for the selection and empanneling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852;

Was read a third time.

By unanimous consent,

Mr. McDonald of Lake moved to amend by inserting in the proper place, the words "or a majority of them."

Which was adopted.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Stockwell, Struble, Sutton, Taber,

Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Yount, and Mr. Speaker—88.

*Those who voted in the negative were,*

Messrs. Catlin and Work—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Milroy,

No. 102, a bill for the protection of game, which failed for want of a constitutional vote, was taken up;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Farnsley, Ferris, Freeland, Gentry, Goodman, Hammond, Hamrick, Handy, Hartley, Hendricks, Henton, Hicks, Howell, Hunt, Laird, Martin, Maxfield, McCormick, McDonald of Lake, Milroy, Moss, Read, Rockafellar, Ryan, Shoemaker, Shuman, Steele, Stockwell, Struble, Underwood, Walker of Laporte, Walker of Rush and Yount—44.

*Those who voted in the negative were,*

Messrs. Able, Brothwell, Bundy, Catlin, Chapin, Donald, Dyer, Emery, Fleming, Graham, Greene, Harris, Henry, Hooper, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Scott, Service, Shelby, Simpson, Spencer, Stackhouse, Sutton, Taber, Tanner, Thomas, Wilson Work and Mr. Speaker—48.

So the bill did not pass.

No. 140. A bill to correct and define more correctly the boundary line between the counties of Warrick and Spencer.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Donald, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Free-



land, Gentry, Goodman, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—86.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Donald moved to take up House bill,

No. 39. A bill defining the boundary lines between the counties of Gibson and Warrick.

Which had been lost for want of a constitutional majority.

Which was agreed to.

Mr. Sutton moved to indefinitely postpone the bill.

Mr. Donald moved a call of the House.

Which was ordered.

The clerk proceeded with the call, when the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—90.

On motion by Mr. Graham,

The further call was suspended.

The question then recurring on the indefinite postponement of the bill, and being put,

The ayes and noes were demanded by Messrs. Sutton and Donald.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Chapin, Cooper, Donelson, Druley, Dufour, Durham, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Howell, Jones of Boone, Jones of Jennings, Laird, Lewis, Lowe, Manville, McCormick, McClure, McKee, McKinney, Milroy, Moss, Richardson, Rockafellar, Simpson, Spencer, Sutton, Taber, Turpie, Underwood, Wilson, and Work—39.

*Those who voted in the negative were,*

Messrs. Ballard, Brothwell, Catlin, Clark, Dodd, Donald, Dunlavey, Dyer, Emery, Ferris, Ferguson, Goodman, Graham, Greene, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hunt, Jennings, Johnson, Jones of Ripley, Lines, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, Orr, Parker, Peckenpaugh, Pratt, Price, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Steele, Stockwell, Struble, Tanner, Thomas, Walker of Rush, Yount, and Mr. Speaker—49.

So the bill was not indefinitely postponed.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Catlin, Clark, Dodd, Donald, Dunlavey, Ferris, Ferguson, Goodman, Graham, Greene, Hamrick, Harris, Hartley, Hendricks, Henton, Hunt, Jennings, Johnson, Jones of Ripley, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, Orr, Pekcenpaugh, Pratt, Price, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Spencer, Steele, Stockwell, Struble, Tanner, Thomas, Walker of Rush, Yount, and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Brecount, Brothwell, Brown, Buell, Bundy, Cooper, Druley, Emery, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Henry, Hicks, Howell, Jones of Boone, Jones of Jennings, Laird, Lassel, Lines, Lowe, Manville, McCormick, McClure, McKee, McKinney, Milroy, Richardson, Simpson, Stackhouse, Sutton, Taber, Turpie, Underwood, and Wilson—37.

So the bill failed a third time for want of a constitutional majority.  
By unanimous consent,

Mr. Graham offered the following resolution:

*Resolved*, That the House will proceed to the consideration of the "Orders of the day" each day at 11 o'clock A. M., if the same be not reached before that hour.

Mr. Brown moved to amend by inserting "2 o'clock, P. M." in lieu of "11 o'clock, A. M."

Which was agreed to.

And the question recurring on the resolution as amended,  
It was adopted.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the Senate thereof:

No. 70. A bill relative to loaning the common school funds.

In which the concurrence of the House is respectfully requested.

Bill No. 70, contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills thereof :

No. 66. A bill to enable turnpike companies, heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads.

No. 68. A bill to fix the price of of the Indiana Reports.

In which the concurrence of the House is respectfully requested.

Bills No. 66 and 68, contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof :

No. 20. A bill to amend sections 20, 24, 31 and 32, of an act entitled "an act to provide for the opening, vacation and change of highways," approved June 17, 1852.

In which the concurrence of the House is respectfully requested.

Bill No. 20 contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following bill of the House:

No. 72. A bill providing for the compensation of township assessors, with the following engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to House bill No. 72, contained in the foregoing message was concurred in by the House.

Ordered, that the Clerk inform the Senate thereof.

SENATE BILL ON THIRD READING.

No. 32. A bill to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20th, 1852.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McDonald of Lake, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stockwell, Struble, Sutton, Taber, Thomas, Turpie, Underwood, Wilson, Work, Yount and Mr. Speaker—79.

Mr. McClure voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 56. A bill to amend section 1st and section 12th of an act entitled "an act to authorize the construction of levees and drains."

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley,

Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rockafeller, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—92.

Mr. Shelby voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Freeland moved the House adjourn.

Which motion did not prevail.

No. 63. A bill to repeal section 3 of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved May 13th, 1852.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Rush, Underwood, Work, Yount, and Mr. Speaker—84.

*Those who voted in the negative were,*

Messrs. Hamrick, Jennings, Johnson, Jones of Boone, Lemmon, Rockafellar, Seawright, and Mr. Speaker—8.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 7. A bill to authorize railroad companies to connect with railroads in an adjoining State, and to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dunlavey, Dufour, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Handy, Harris, Hartley, Hendricks, Henry, Hooper, Hunt, Jennings, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lowe, Martin, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Sutton, Thomas, Yount, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Donelson, Ferguson, Greene, Hammond, Hamrick, Henton, Hicks, Howell, Johnson, Jones of Boone, Jones of Ripley, Lines, Manville, Maxfield, Orr, Price, Shoemaker, Struble, Taber, Tanner, Walker of Rush, and Work—22.

So the bill passed.

On motion by Mr. Read,

The title of the foregoing bill was amended as follows:

An act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads over the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from his Excellency, the Governor, inclosing a communication from the President of the Association for the Exhibition of all Nations:

EXECUTIVE DEPARTMENT, }  
February 16, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—You will please to lay before the House of Representatives

the inclosed communication from the President of the Association for the Exhibition of all Nations, to be held in New York in May next.

It is possible that the representatives of the people may wish to have this State represented on that occasion, that steps may be taken to exhibit specimens of our minerals, ores, and other productions of the State.

Respectfully, yours,

JOSEPH A. WRIGHT.

OFFICE OF THE ASSOCIATION FOR THE EXHIBITION  
OF THE INDUSTRY OF ALL NATIONS, }  
*No. 53, Broadway, New York, January 27, 1853.* }

SIR:—I take the liberty, with this, of laying before you various documents relative to the Exhibition of the Industry of all Nations, to take place in this city in the course of the next spring.

You will see by the letters of Mr. Webster and Mr. Everett, and by the extracts from the messages of Governor Seymour, of this State, and of Governor Foot, of New Jersey, the interest that is felt in our enterprise by the public authorities of our country; and we have abundant proofs of the attraction which the subject possesses for our people at large.

The special purpose of the present letter, is to invite your co-operation in securing the objects which we have in view. We desire not merely to produce an attractive display, but to make an exhibition of the natural and manufactured products of the Union, which shall be practically useful. To accomplish this, we have, among other things—as you will see by our general circular—specially invited those interested in ores and minerals of our country, to send us specimens of them. We have further, as you will also observe, issued a special circular directed to this precise object. And we shall secure the aid of competent scientific persons to arrange, classify and report upon them in a manner that will best advance the interests of science and the arts, and bring our vast resources in these elements of a Nation's greatness, prominently before the people.

In addition to this, we think that we cannot make our purpose more widely known, than by communicating our desire directly to the Governors of the several States. Besides ores and minerals, almost every State in the Union has natural products of great value, the peculiar merits of which it may be desirable to make public in the scale which it will be possible to do by means of the proposed exhibition.

As to the precise mode in which you will give publicity or effect to this, it of course rests in your own pleasure. If this letter comes too late for the purpose of being noticed in your Excellency's annual message, it might, if you find it of sufficient importance, form the subject of a special communication to the Legislature of your State. Of this you are, sir, the best judge, and I have neither the right nor the disposition to interfere.

We have gone as far as is proper in bringing this matter thus fully to your Excellency's consideration; and I have the honor to be, sir, with the greatest respect,

Your very obedient servant,

THEODORE SEDGWICK, *Pres't.*

His Excellency,

Gov. JOSEPH A. WRIGHT,

*Indianapolis, Indiana.*

Which,

On motion by Mr. McDonald of Lake,

Was laid on the table.

No. 43. A bill to repeal part of the 1st section of an act entitled "an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company," approved February 11, 1851;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donalson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, Maxfield, McClure, McCormick, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Steele, Stackhouse, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Rush, Work and Yount—87.

*Those who voted in the negative were,*

Messrs. Spencer, Tanner and Mr. Speaker—3.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Fleming, from the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bill of the House No. 109, and find the same correctly engrossed.



Mr. Chapin, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor, bill of the House No. 22, for his signature.

On motion by Mr. Brothwell,  
The House adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 17, 1853. }

The House met pursuant to adjournment.

Th clerk proceeded to read the Journal; when,  
On motion by Mr. Durham,  
The further reading was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Brothwell:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Jones of Boone:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Donald:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Milroy:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Moss :

Three petitions from sundry citizens of the State of Indiana, on the subject of temperance ;

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Buell, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means to whom was referred sundry petitions, resolutions and bills, instructing them to inquire into the expediency of amending various sections of the revenue laws, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

A portion of the amendments reported do not materially affect our revenue law, but are only designed to supply some few omissions and correct some inaccuracies that occur in said law. The amendments proposed to the sixth, forty-ninth and seventy-second sections are of this character.

The amendments proposed to the 32d, 33d and 34th sections make a material and radical change in our system of taxing railroads, canals, turnpike and plank roads, bridge companies, and telegraph companies.

The law approved June 21, 1852, provides that the president or other proper officer of every such company, shall give in the amount of stock held by resident and non-resident stockholders, to the auditor of the county where their principal office is situated, and shall furnish to such auditor a statement dividing the aggregate amount of all the stock of such company, amongst the several counties in proportion to the value of the superstructure, buildings and real estate of such company in each county. The tax for State, county, school and road purposed, is assessed upon the stock of such company, in such county, according to the rates fixed for those purposes in the several counties through which such road, canal and telegraph may run or pass.

The treasurer of such county, collects the tax so assessed against such company from the president thereof, and pays the state tax in the State Treasury, and divides the county, school and road tax amongst the several counties through which such road, canal or telegraph may run or pass, in proportion to the value of the superstructure, buildings and real estate in each county.

The individual stockholders do not return to the assessor the amount of stock they may hold in such company.

The present law gives to the several counties the tax on that por-

tion of the road that is in such counties, but it gives to the counties where the principal office of such companies may be situated the advantage of the tax on their more valuable depots, and machine shops, and the motive power and rolling machinery of such road.

The amendment proposed by the committee requires that all the stockholders in such company who are residents of the State of Indiana, shall furnish to the assessors in the counties where they reside the amount and value of their stocks. The president or other proper officers of all such companies, are required to furnish under oath, to the auditor of the county where their principal office is situated, a statement of the amount of stock that is held by persons who are non-residents of this State.

The stock owned by non-residents is assessed and the tax collected and divided in the same manner as is provided by the present law.

This subject is not free from difficulty and doubt. The committee have had great trouble in coming to a conclusion upon the subject. A majority of the committee directed me to report the proposed amendment.

The amendments to the 78th and 79th sections do not affect the amount of revenue, but they were made for the convenience and accommodation of county auditors.

The amendment to the ninety-sixth section is intended to remove any doubt that may exist as to the right of tax payers to have any property exempt from distraint and sale for taxes, and to guard against combinations that may be formed to prevent the sale of property distrained for taxes. It gives the treasurer the right to sell property so distrained, at any place in the county.

The 119th section of the present law makes the county treasurer responsible for a double assessment of real estate. The committee were of the opinion that it was wrong to hold the treasurer responsible for the misconduct of the auditor, and they have reported an amendment making the county auditor responsible for a double assessment of real property.

The 99th section conflicts with the 104th section, and was printed by mistake, it having been stricken out last session. For these reasons the committee recommend its repeal.

These are the amendments that are offered to the present law.

The sections that follow are in addition to the present law.

The third section is designated to prevent the possibility of stock in corporations from being double taxed. It provides that whenever the capital stock of any company is taxed the individual stockholders in such company shall not return to the assessor their stock in such company. The first part of the section is intended to meet the proposed change in the manner of taxing roads, canals and telegraphs.

The fourth and fifth sections provide for taxing the capital stock in insurance companies, trust companies, saving institutions and gas

companies. Under the present law the individual stockholders in such companies, are required to return to the assessors their stock in such companies. The committee were of the opinion that it would be better to tax the company in its corporate capacity.

The 6, 7, and 8 sections provide for the assessment and taxation of bankers, brokers and stockholders. This refers to persons who are engaged in private banking. There is no provision in the present law for taxing such persons.

The 9, 10, 11, 12, and 13 sections provide for the assessment and taxation of banks and banking companies.

This subject has caused the committee more trouble and investigation than all the other subjects that have engrossed their attention during the present session. All of the committee were in favor of taxing them, but they differed very widely as to the manner in which they should be taxed.

They have carefully examined the laws of the various States upon this subject, and after a most thorough and mature investigation, a majority of the committee directed me to report the bill in its present shape. Every thing that such bank or banking company receives interest upon is taxed.

Your committee have not the vanity to suppose that they could draft a bill free from defects and imperfections, much less that the result of their deliberations would harmonize all the conflicting views of the members of this House. The bill has been prepared with great care and mature deliberation, and is commended to the favorable regards of the house, in the confident hope that it will receive that profound attention and careful examination that its importance demands.

No. 177. A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, and to provide for the assessment and taxation of bankers, brokers, stockjobbers, banks and banking companies.

Which was read a first time.

Mr. McDonald of Lake moved to suspend the rule and read the bill a second time now.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham,

Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shoemaker, Shelby Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Sotckwell, Struble, Sutton, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Yount and Mr. Speaker—93.

Mr. Jones of Boone voting in the negative—1.

So the rule was suspended, and the bill read a second time.

When,

On motion by Mr. McDonald of Lake,

The bill was laid on the table, and 200 copies ordered to be printed.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred Senate bill No. 53, entitled "an act to authorize and regulate suits against the State," together with the pending amendment, have instructed me to report the bill back with the following amendment, viz:

Strike out of the 1st section the words "the Marion circuit court," and insert the following words, viz: "any circuit court of this State," and when so amended, the majority of your committee would respectfully recommend its passage.

Which was concurred in.

Mr. Pratt moved to amend the bill as follows:

*Provided, however,* That no suit shall be brought against the State on account of liabilities originating prior to the adoption of the new Constitution.

Mr. Underwood moved to amend the amendment as follows:

"Individuals or corporations owing the State before the adoption of the constitution, and which remains unpaid, the same shall not be recovered by law."

When,

On motion by Mr. Pratt,

The bill and pending amendments were laid on the table.

The hour having arrived for the consideration of the special order, viz:

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.

The question pending, was on the adoption of the amendment offered by Mr. Johnson; when,

By consent of the House,

Mr. Johnson withdrew his former amendment and substituted the following:

Amend the first section, by striking out all after the word "purposes" in the second line.

Mr. Hicks moved to amend the amendment as follows:

Amend section one so as to strike out all after the word "consent" in the third line, to the word "nor" in the sixth line of said section, and insert in lieu thereof the following words, viz: "of a majority of the legal voters of the proper city, town or township, who may cast their votes upon the question of 'license or no license,' at the annual April election."

Mr. Graham moved to recommit the bill and pending amendments to a committee of one from each judicial circuit, excluding the temperance committee heretofore appointed.

Mr. Manville moved to amend Mr. Graham's motion by adding, with instructions to report to this house next Monday morning at 10 o'clock.

Mr. Gentry moved to lay the bill and pending amendments on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Spencer and Graham.

*Those who voted in the affirmative were,*

Messrs. Able, Gentry, Gootee, and Johnson—4.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—94.

So the bill and amendments were not laid on the table.

Mr. Ryan moved to indefinitely postpone the motion to recommit.

Mr. Orr moved that the House adjourn.

Which motion did not prevail.

The question recurring on the motion to indefinitely postpone the motion to recommit, and being put;

The ayes and noes were demanded by Messrs. Spencer and Ryan.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Laird, Lasselle, Lemmon, Lines, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson Yount and Mr. Speaker—86.

*Those who voted in the negative were,*

Messrs. Donald, Dyer, Graham, Henton, Jones of Jennings, Jones of Ripley, Lewis, Lowe, Price, Shoemaker, Sutton and Work—12.

So the motion to recommit was indefinitely postponed.

When,

On motion by Mr. Hamrick,

The House adjourned.

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2 o'clock, P. M.

House met.

The House proceeded to the further consideration of the special order.

Mr. Hicks by consent of the House withdrew his amendment.

Mr. McKee moved to indefinitely postpone the amendment offered by Mr. Johnson.

When by unanimous consent of the House, Mr. Johnson withdrew his amendment.

Mr. Hicks moved to amend the bill as follows:

Amend section one, as follows:

Strike out all after the word "consent" in the 3d line to the word "nor" in the 6th line of said section, and insert in lieu thereof the following words, viz:

Of a majority of the legal voters of the proper city, town, or township, who may cast their votes upon the question of "license or no license," at the annual April election.

And the question being put,

The ayes and noes were demanded by Messrs. Hicks and Dufour.

*Those who voted in the affirmative were,*

Messrs. Able, Brown, Chapin, Dodd, Donald, Donelson, Fleming, Gentry, Gootee, Graham, Handy, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lenimon, Lewis, Lowe, McCormick, McKinney, Parker, Peckenpaugh, Read, Richardson, Rockafellar, Service, Shelby, Shoemaker, Simpson, Stephens, Struble and Tanner—34.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Freeland, Goodman, Greene, Hammond, Hamrick, Harris, Hartley, Henry, Hendricks, Hooper, Hunt, Jennings, Johnson, Laird, Lines, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Pratt, Price, Ryan, Scott, Shuman, Spencer, Stackhouse, Steele, Stockwell, Sutton, Taber, Thomas, Turpie. Walker of Laporte, Walker of Rush, Wilson, Work and Yount—61.

So the amendment was not adopted.

Mr. Manville moved to amend as follows:

Amend by striking from the enacting clause, and inserting the following.

SEC. 1. At each annual April election, the electors of each township of every county in the State, may vote for or against license to retail spirituous liquors in such township for and during the ensuing year, by indorsing on their tickets the words "license" or "no license."

SEC. 2. The clerks of such election, together with the inspector thereof, shall certify in writing to be by them subscribed, the whole number of votes cast at such election for and the whole number against such license, which certificate shall be filed by such inspector within ten days after such election, in the office of auditor of such county.

SEC. 3. If a majority of the votes cast at such election, for and against license, are against such license, it shall not be lawful for



any person, during the year immediately following such election, to vend spirituous liquors in such township in any quantity less than a quart at a time.

SEC. 4. But if a majority of the votes cast at such election for and against license, are in favor of such license, any person, upon complying with the provisions of the next section, may vend such liquors in any quantity in such township, during the year next after such election.

SEC. 5. If such election result in favor of license as aforesaid, the auditor of the county, upon any person applying therefor, and presenting to him a bond with surety, to be approved by him, in the penal sum of five hundred dollars, payable to the State of Indiana, conditioned for the keeping of an orderly house by such person, and the payment of such damages as may be assessed against him upon a judicial proceeding instituted against him in any court of competent jurisdiction, by reason of selling to any minor, without the written consent of his parent or guardian, or persons in a state of intoxication, shall issue to the person so applying a license to vend spirituous liquors within such township during the year next after such election.

SEC. 6. Such bond shall be filed in such auditor's office, and recorded in a book to be provided for that purpose; and he shall furnish certified copies thereof when requested, which copies, duly authenticated by the seal of such county attached, shall have the same force and effect in any court of justice, as if the original itself were therein produced.

SEC. 7. Whenever he shall be informed of any breach of any of the conditions of such bond, the district attorney of the common pleas district in which such county is situate, shall institute suit thereon, in the name of the State of Indiana, in which suit the measure of damages shall be the actual damage sustained, and such exemplary damages as the court or jury trying the case may deem sufficient to deter persons from in like manner offending.

SEC. 8. Separate suits shall be instituted for breaches of the condition of such bond requiring the keeping of an orderly house, prohibiting the sale to minors, and that to persons intoxicated. And all damages collected for keeping a disorderly house, shall be paid into the county treasury for the benefit of the common schools of such county, under the direction of the commissioners thereof; and all damages collected for selling to a minor, shall be paid to his parents or guardian, if he have any, and if he have none, to a guardian appointed by them; the court who, as to giving bond, qualifying, taking care of and accounting for the sum so paid to him, shall be governed by the laws regulating the duties of guardians appointed by courts having probate jurisdiction; and all damages collected for selling to a person while intoxicated, shall be paid to a trustee, to be appointed by the court, under such regulations as to requiring bond, accounting for and disposing of such damages for the benefit of the family of such intoxicated person, as to the court shall seem proper; but if

such intoxicated person shall not have either a wife or child living, then such damages shall be paid into the county treasury, and placed to the credit of such intoxicated person, to be expended for his benefit in case he should ever become a county charge, or a pauper; and if such intoxicated person should die without having any wife or child alive, all such damages as shall be so collected, paid into the treasury of the county, and left unexpended according to the provisions of this act, shall become part of the common school fund of the county; but should such intoxicated person, at his death, leave alive a wife or child, then any such sum so collected as aforesaid, and so remaining unexpended, shall be paid over to such wife or child.

SEC. 9. In any suit on such bond for any breach of the condition thereof, touching the sale of such spirituous liquors to a minor or to a person intoxicated, such minor or intoxicated person shall not be a competent witness, without the consent of the defendant therein.

SEC. 10. Any person who shall vend spirituous liquors in a quantity less than a quart at a time, without such license, shall be fined for every such offense, in any sum not exceeding two hundred dollars.

And the question being put,

The ayes and noes were demanded by Messrs. Spencer and Taber.

*Those who voted in the affirmative were,*

Messrs. Able, Bundy, Chapin, Donald, Gentry, Graham, Hicks, Jones of Ripley, Lewis, Lowe, Manville, McCormick, McClure, Peck-enpauigh, Price, Rockafellar, and Tanner—17.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Burnett, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavy, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Hendricks, Henton, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lemmon, Lines, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Richardson, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—78.

So the amendment was not adopted.

Mr. Shuman offered the following amendment:

Add to section, "and any person offending against the provisions of this section shall be fined in any sum not less than ten, nor more than one hundred dollars."

Which was not adopted.

Mr. McDonald of Lake moved to amend as follows :

Add in the proper place—"Provided, That the members of the House shall now and at all times hereafter, have the right to suck white eye, and liquor sellers who may sell to them, if they get drunk shall not be liable to the pains and penalties of the bill so far as they are concerned."

Which was not adopted.

Mr. Graham moved to amend as follows :

Strike out in the first line, the word "no" and insert the word "any."

Which was not adopted.

Mr. Peckenpaugh moved to amend the bill as follows :

Amend the 4th section, 2d line, strike out "one gallon," and insert "one quart;" and also the 17th section, second line, strike out "one gallon" and insert "one quart" in lieu thereof.

And the question being put ;

The ayes and noes were demanded by Messrs. Goodman and Harris.

*Those who voted in the affirmative were,*

Messrs. Burnett, Donald, Dyer, Farnsley, Gentry, Gootee, Graham, Hooper, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, McClure, McDonald of Lake, McKinney, Peckenpaugh, Price, Richardson, Scott, Shelby, Simpson, Stephens, Sutton, Taber, and Tanner—30.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Ferris, Ferguson, Fleming, Free-land, Goodman, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hunt, Jennings, Lasselle, Lines, Manville, Martin, Maxfield, McCormick, McDonnell of Sullivan, McKee, Milroy, Moss, Orr, Parker, Pratt, Rockafellar, Ryan, Seawright, Service, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stockwell, Struble, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—67.

So the amendment was not adopted.

Mr. Johnson moved to amend as follows :

Amend the fourth section by striking out the word "gallon" in the second line, and inserting the word "dram."

When,

On motion by Mr. Ryan,

The amendment was laid on the table.

Mr. Pratt moved to amend as follows:

Amend 17th section by striking out "from nuisances" in the 4th line, to the word "and" in the 5th line.

And the question being put;

The ayes and noes were demanded by Messrs. Pratt and Burnett.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Bundy, Burnett, Chapin, Clark, Dodd, Donald, Durham, Dyer, Farnsley, Fleming, Gentry, Gootee, Graham, Hamrick, Hendricks, Henton, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, McCormick, McClure, McDonald of Lake, McKinney, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Scott, Service, Shelby, Simpson, Stackhouse, Stephens, Sutton, Taber, Turpie and Work—49.

*Those who voted in the negative were,*

Messr. Ballard, Brecount, Brothwell, Brown, Buell, Catlin, Cooper, Donelson, Druley, Dufour, Dunlavey, Emery, Ferris, Ferguson, Freeland, Goodman, Greene, Hammond, Handy, Harris, Hartley, Henry, Hicks, Hooper, Hunt, Manville, Martin, Maxfield, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Ryan, Seawright, Shoemaker, Shuman, Spencer, Steele, Stockwell, Struble, Tanner, Thomas, Walker of Laporte, Walker of Rush, Wilson and Yount—48.

So the amendment was adopted.

Mr. Pratt moved to amend as follows:

Amend 18th section by striking out after the word "nuisances," in the 4th line, to the word "and" in the same line.

Which was adopted.

Mr. Dufour moved to amend as follows: strike out sections 17 and 18 and insert as follows:

SEC. —. That every person the owner of real property, who shall suffer or permit his houses situated thereon, to be used as a place for illegal trafficking in intoxicating liquors; after having had ten days' notice of his property having been so used, the said owner of property shall stand as security for all fines and costs that may be assessed for such illegal traffic after such notice shall have been given as aforesaid.

SEC. —. That any owner of real property who may have rented or let his property, may turn out any tenant or occupant of his property upon three days' notice if such illegal traffic is persisted in.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Spencer.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brown, Dodd, Donelson, Druley, Dufour, Ferris, Goodman, Greene, Harris, Hartley, Henton, Hooper, Howell, Hunt, Jennings, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Orr, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Thomas, Underwood, Walker of Rush and Yount—31.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Dunlavey, Dyer, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McKinney, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Scott, Shelby, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie Walker of Laporte, Wilson and Work—65

So the amendment was not adopted.

Mr. Shelby moved to amend as follows:

Amend section 1st by inserting between the words "chemical and medicinal," the word "sacramental."

Which was adopted.

Mr. Graham moved to amend as follows:

Strike out all of section 1 after the word "purposes," in the second line and insert "in any township in any county of this State, if the majority of the legal voters in any such township shall file a petition in the office of the clerk of the proper county, praying that no license be granted in that township.

And the question being put,

The ayes and noes were demanded by Messrs. McKee and Spencer.

*Those who voted in the affirmative were,*

Messrs. Able, Donald, Gootee, Graham, Handy, Henton, Lemmon, Lowe, McClure, McDonald of Lake and Turpie—11.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Greene, Hammond, Hamrick,

Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Manville, Martin, Maxfield, McCormick, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson and Yount—83.

Mr. Pratt moved to amend as follows:

Amend the 16th section by adding after the word "intoxication" in the 3d line the following words: "rendering him incapable of making contracts."

Mr. McDonald of Lake moved to amend the amendment by inserting in the proper place, when he shall have drank more than a quart.

Which was not adopted.

The question then recurring on Mr. Pratt's amendment,  
It was adopted.

Mr. Lowe moved to amend as follows:

Amend the first section by striking out the words "with the affidavit of two respectable voters thereto attached, verifying the fact that the names obtained constitute such majority, and that the signatures are genuine."

And the question being put;

The ayes and noes were demanded by Messrs. Spencer and Wilson.

*Those who voted in the affirmative were,*

Messrs. Able, Brown, Catlin, Donald, Donelson, Farnsley, Graham, Hamrick, Hicks, Howell, Johnson, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lowe, McCormick, McClure, McDonald of Lake, McKinney, Parker, Shelby, Shoemaker, Struble, Sutton, Taber, Tanner and Underwood—27.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Dufour, Dunlavey, Dyer, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Jones of Boone, Laird, Lasselle, Manville, Maxfield, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens,

Stockwell, Thomas, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—65.

So the amendment was not adopted.

Mr. Graham moved to amend as follows:

Strike out in the 8th line "two thousand dollars," and insert "five hundred dollars."

When,

On motion by Mr. Henry,

The amendment was laid on the table.

Mr. Turpie moved to amend as follows;

Strike out the word "respectable" before voters in the 1st section.

Which was adopted.

Mr. Gootee moved to amend as follows:

Strike out of the 1st section after the words "four freehold," and add "sufficient security to be approved by the Auditor."

Which was not adopted.

Mr. Rockafellar moved to amend as follows:

Amend the 1st section by striking out the word "two" in the 5th line and inserting "one."

Which was not adopted.

Mr. Pratt moved to amend as follows:

Amend the 9th section, second line, by striking out "may be abated."

Which was adopted.

Mr. Moss moved to amend as follows:

Amend 15th section, 1st line, by striking out "abatement," and inserting "punishment."

Which was adopted.

Mr. Jones of Ripley moved to amend as follows:

Strike out sections 10 and 11.

Mr. Moss called the previous question.

Which was seconded by the House.

The question then being, shall the main question be now put?

Was decided in the affirmative.

The question then recurring on the main question, which was the adoption of the amendment offered by Mr. Jones of Ripley.

And being put;

The ayes and noes were demanded by Messrs. Orr and McKee.

*Those who voted in the affirmative were,*

Messrs. Able, Buell, Donald, Durham, Fleming, Gentry, Gootee, Graham, Hamrick, Handy, Hicks, Howell, Johnson, Jones of Boone, Jones of Ripley, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McKinney, Peckenpough, Price, Richardson, Taber and Tanner—27.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Freeland, Goodman, Greene, Hammond, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Jones of Jennings, Laird, Lasselle, Lines, Martin, Maxfield, McCormick, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Pratt, Read, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—71.

So the amendment was not adopted.

The question then being, shall the bill be engrossed?

And being put;

The ayes and noes were demanded by Messrs. Johnson and Burnett.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brothwell, Brown, Clark, Dodd, Donelson, Druley, Dufour, Dyer, Ferris, Ferguson, Freeland, Goodman, Greene, Hammond, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Lines, Martin, Maxfield, McCormick, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Pratt, Read, Rockafellar, Ryan, Scott, Seawright, Shelby Shoemaker, Shuman, Simpson, Spencer, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Donald, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Graham, Hamrick, Handy, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McKinney, Peckenpaugh, Price, Richardson, Service, Stackhouse, Stephens, Struble, Sutton, Taber and Tanner—44.

So the bill was ordered to be engrossed.

A message from the Senate by Mr. Sites, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendments



of the House to Senate bill No. 7, a bill to authorize railroad companies to connect with railroads in an adjoining State, to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located.

By unanimous consent,

Mr. Donelson offered the following resolution:

*Resolved*, That the lobbies be cleared of Senators, provided they do not take the ladies off with them.

Which was not adopted.

Mr. Hooper, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the accompanying enrolled bill of the House, No. 72, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Chapin from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his signature, bill of the House No. 72.

On motion by Mr. Seawright,

The House adjourned.

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FRIDAY MORNING, 9 o'clock,  
February 18, 1853. }

House met pursuant to adjournment.

Mr. Dufour in the chair.

The Clerk proceeded to read the Journal of yesterday.

Mr. Buell moved to dispense with the further reading thereof.

Which was not agreed to.

The Clerk proceeded to read; when,  
 On motion by Mr. Hamrick,  
 The further reading was dispensed with.  
 A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bills of the House, without amendment.

No. 47. An act to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county.

No. 101. An act to amend an act entitled "an act authorizing the construction of Plank, McAdamized and Gravel Roads," approved May 12, 1852.

On motion by Mr. McDonald of Lake,

The order of business was suspended, to enable him to present the following report:

MR. SPEAKER:

The select committee on banks, to which was referred bill of the house No. 110, entitled an act to amend the 5th, 6th, 7th, and 16th sections of an act to authorize and regulate the business of general banking, have had the same under consideration, and have directed me to report that the same be stricken out from the enacting clause, and the following inserted in lieu thereof, and that the title to said bill be stricken out and the title of the amendment inserted in lieu thereof, and when so amended a majority of the committee recommend its passage.

An act to revise and amend an act entitled an act to authorize and regulate the business of general banking, approved May 28th, 1852.

*Be it enacted by the General Assembly of the State of Indiana:*  
**SECTION 1.** That it is hereby made the duty of the Auditor of State, on the application of any person or association of persons wishing to organize under this act to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes in blank of the different denominations hereinafter authorized to be issued, as may from time to time be needed to meet the demands of those organizing for the purposes of banking.

**SEC. 2.** Nothing herein contained shall be so construed as to prevent any banker or banking association from procuring their own plates, dies or other material for engraving or printing blank notes, and furnishing them to the auditor, and leaving ever after in his custody and control, to be used and disposed of as though such auditor had himself procured them under the preceding section.

SEC. 3. Such bank notes in blank, so procured or placed in the hands of the auditor as aforesaid, shall be of the denominations usually issued by banks, from one dollar to five hundred dollars. But such notes shall not be of any intermediate number between five and ten dollars, ten and twenty and fifty, or fifty and one hundred dollars. *Provided however*, no bank under this act shall be authorized to receive or pay out any note or bill for a less denomination than five dollars, issued by any bank or other corporation out of this State, nor shall such bank be authorized to issue bills for circulation of less denomination than five dollars, to an amount exceeding one-fourth of their whole issue.

SEC. 4. Such blank circulating notes shall be countersigned by such auditor, and numbered and registered in proper books to be kept for that purpose in his office and under his direction, by such persons as the auditor shall appoint, so that each denomination of such circulating notes shall be of the same similitude, and all bear the uniform signature of such auditor and register.

SEC. 5. Whenever any person or association of persons, formed for the purpose of banking under this act, shall legally transfer to the Auditor of State any portion of the stocks or bonds hereinafter specified, to the amount of not less than fifty thousand dollars, such person or association of persons shall be entitled to receive from the Auditor of State an amount of such circulating notes of different denominations registered and countersigned as aforesaid, equal to one hundred dollars for each and every one hundred and twenty dollars of stocks at par value, or in case said stocks shall be under par value, then of the market value of the stocks so deposited to be issued by such person or association of persons in the usual course of banking business as money: *Provided*, that in all cases where the stocks or bonds of the United States alone are so deposited with the Auditor of State, he may issue an amount of said notes equal to the par value thereof.

SEC. 6. Said stocks shall consist of any portion of the public debt now created or hereafter created by the United States or by this State, and chargeable upon the State treasury; such stocks of New York, Ohio, Kentucky, Virginia, Massachusetts, Tennessee and Michigan, as constitute the public debt of said States, and upon which a semi-annual interest is paid; but such public debt shall in all cases except as to Indiana stocks, be or be made to be equal to a stock producing six per cent. per annum, and the public debt of this State so deposited shall be or be made to be equal to a stock producing five per cent. per annum; and it shall not be lawful for the auditor to take any stock above its par value: *Provided*, that whenever any State whose stock is pledged in whole or in part for the redemption of its circulation, shall fail or neglect to pay interest on such bonds or stocks semi-annually, or at any less period, then such association or person shall be required to withdraw the said stocks so failing to pay interest, and to substitute for the same the stocks of interest-pay-

ing States, or else surrender an amount of its notes equal to the amount of stocks so withdrawn. And if such association shall neglect or refuse, for the space of thirty days, so to do, then and in that case it shall be the duty of the Auditor of State to wind up the bank of such person or association, as provided elsewhere in this act.

SEC. 7. Such person or association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by law to make them obligatory promissory notes, payable on demand at the place of business within this State of such person or association, to loan and circulate the same as money according to the ordinary course of banking business, as regulated by the laws and usages of this State.

SEC. 8. In the case the maker or makers of any such circulating notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand at the place of business specified in such note, during the usual hours of business, fail or refuse to redeem such note in the lawful money of the United States, the holder of such note making such demand may cause the same to be protested for non-payment by a notary public, in the usual manner; and the auditor, on receiving and filing in his office such protest, shall forthwith give written notice to the maker or makers of such note to pay the same, and if he or they shall omit to do so for thirty days after such notice, the auditor shall immediately (unless the Auditor, Governor and Treasurer of State, or a majority of them, shall be satisfied that there is a good and legal defence against the payment of such note or notes) give notice in one of the newspapers published at Indianapolis, that all the circulating notes issued by such person or association will be redeemed out of the stock held by him in trust for that purpose; and it shall be lawful for the auditor to apply said trust funds belonging to the maker or makers of such protested notes to the payment and redemption, with costs of protest, and to adopt such means for the payment of all such circulating notes put in circulation by the maker or makers of such protested notes, pursuant to the provisions of this act, as will in their opinion most effectually prevent loss to the holder thereof.

SEC. 9. The auditor may give any person or association so transferring stocks in pursuance of the provisions of this act powers of attorney to receive interest on dividends thereon, which such person or association may receive and apply to their own use. But such power of attorney may and shall be revoked whenever such person or association shall fail to redeem the circulating notes so issued, or whenever, in the opinion of the Governor, Auditor and Treasurer of State, or a majority of them, the principal of such stock shall become an insufficient security, said auditor, also by and with the consent of the Governor and treasurer, or either of them, and at the instance of the owners of such stock so transferred as aforesaid, may in his discretion change or transfer the same for other stocks of the same kind specified above in this act, or may retransfer said stocks to an

amount at their par value equal to the amount of such circulating notes surrendered to him by the person or association who had deposited stocks therefor: *Provided*, that in no case shall said stocks be withdrawn so as to leave an amount of stocks deposited less than fifty thousand dollars.

**SEC. 10.** The bills or notes so to be countersigned and the payment of which shall be so secured as aforesaid, shall be stamped on their face, secured by the pledge of the public stocks.

**SEC. 11.** In case such person or association of persons, shall fail or refuse to pay such bills or notes on demand, in the manner specified in the 8th section of this act, the auditor, after thirty days' notice therein mentioned, may proceed to sell at public auction the public stocks so pledged, and out of the proceeds of such sale shall pay and cancel the bills or notes default in paying which shall have been made as aforesaid. But such sale shall be made in the city of New York, unless the banker or banking association give to the auditor written consent duly authenticated, that such stocks may be sold at Indianapolis.

**SEC. 12.** Nothing in this act shall be construed as implying any pledges on the part of the State for the payment of said bills or notes, beyond the proper application of the securities pledged with the auditor for their redemption. Nor shall any thing herein contained be construed to empower any persons or association to conduct or carry on the business of banking at any other than the place of business of such individual banker or banking association, which place of business shall in every instance be the same, where their small bank bills respectively are made payable, and any person or association doing business under this act, shall at all times keep an office at the place of business where said small bills are made payable, which shall be kept open between the hours of 10 o'clock, and 12 o'clock of the forenoon, and between the hours of 2 o'clock and 4 o'clock of the afternoon of each and every judicial day of the year, and on failure so to do, the Governor, Auditor and Treasurer, or a majority of them on proof thereof, shall immediately proceed to pay off the notes of said person or association as provided in the 8th section of this act, and it shall be deemed sufficient proof of the failure of any person or association to comply with the provisions of this section, whenever there shall be presented to the Governor, Auditor and Treasurer any one of the circulating notes issued by any person or association under the provisions of this act regularly protested by a notary public, and also certified in said protest by the notary public protesting the non-payment of said note, that the place of business specified in said protested note was not open between said hours of 10 o'clock and 12 o'clock in the forenoon, or between the hours of 2 o'clock and 4 o'clock in the afternoon of the day on which said note was presented and protested by him.

**SEC. 13.** Public stock to be deposited with the auditor by any such persons or association shall be held by him exclusively for the

redemption of the bills or notes of such person or association put in circulation as money, until the same are paid, and shall in no case be held for the benefit of any depositor or other person having business with such individual banker or banking association, until the issue of said bank is redeemed; but after all the issue of said bank is redeemed, the stock on hand or the money therefor, if they shall have been sold, shall be held in trust for the sole use of the depositor with such person or association, until the Governor, Auditor and Treasurer, or a majority of them, shall be fully satisfied by such person or association, that all persons depositors therewith have been fully paid and satisfied.

SEC. 14. The plates, dies and materials to be procured by the Auditor, for the printing and making of the circulating notes provided for hereby, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be audited and settled by the auditor and paid out of any moneys in the treasury not otherwise appropriated; and for the purpose of reimbursing the same, the said auditor is hereby authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent. thereon, as may be sufficient for that purpose, and as may be just and reasonable, not exceeding seventy-five cents for each one hundred notes signed, numbered and registered as provided in this act exclusive of all other expenses.

SEC. 15. All plates, dies, and such like materials of, and peculiar to, any individual banker or association which shall have closed business, either by its own voluntary act, or by operation of law under the direction of the auditor, shall be by such auditor, in the presence of the Governor and Treasurer of State destroyed; and such destruction specifying the articles so destroyed, shall be officially certified to by all the three aforesaid officers.

SEC. 16. It shall not be lawful for the auditor or other officer to countersign bills or notes for any person or association of persons to an amount in the aggregate, exceeding one hundred dollars for each one hundred and twenty dollars in value of the public stocks, as provided in the sixth section of this act, deposited with the auditor, by such person or association except in case of United States stocks or bonds alone deposited, in which case he may issue bills or notes in amount equal to the par value of the stocks so deposited, and any auditor or other officer who shall violate the provisions of this or any other section of this act, shall upon conviction be punished in such manner as the criminal laws of the State may direct.

SEC. 17. Any number of persons may associate to establish offices of discount, deposit, and circulation upon the terms and conditions and subject to the liabilities prescribed in this act, but the aggregate amount of the capital stock of any such association shall not be less than fifty thousand dollars.

**SEC. 18.** Such persons, under their hands and seals, shall make a certificate which shall specify,

*First.* The name assumed to distinguish such association, and to be used in its dealings;

*Second.* The place where the operations of discount and deposit of such association are to be carried on, designating the particular city, town or village;

*Third.* The amount of capital stock of such association, and the number of shares into which the same shall be divided;

*Fourth.* The names and places of residence of the shareholders, and the number of shares held by each of them respectively;

*Fifth.* The period at which such association shall commence and terminate, which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where the office of such association shall be established, and a copy thereof filed in the office of the Secretary of State, but no person or association shall be allowed to assume the name assumed by any other person or association to be used in its dealings.

**SEC. 19.** The certificate required by the last preceding section to be recorded and filed in the offices of the clerk of the county, and Secretary of State as aforesaid, or copies thereof duly certified by either of those officers may be used as evidence in all courts and places for and against any such association, and shall be *prima facie* evidence of the facts therein contained.

**SEC. 20.** Such association shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coins and bills of exchange, in the manner specified in their articles of association, for the purposes authorized by this act, by loaning money on reasonable security, and by exercising such incidental powers as shall be necessary to carry on such business, to choose one of their number as president of such association, and to appoint a cashier, and such other officers and agents as the business may require, and to remove such president, cashier, officers, and agents at pleasure, and appoint others in their places. Such association shall be entitled to charge and received for moneys loaned, interest at a rate not exceeding six per centum per annum; but the same may according to bank rules, be discounted, and taken in advance out of the sum loaned.

**SEC. 22.** The shares of said association shall be transferable on the books of the association in such manner as may be agreed on in the articles of association, and every person becoming a shareholder by such transfer, shall in proportion to his shares, succeed to all the rights and liabilities of prior shareholders, and no change shall be made in the articles of association, by which the rights, remedies, or securities of its existing creditors shall be weakened or impaired, (nor shall any association formed under the provisions of this act, be



dissolved by the death or insanity of any of the shareholders therein.)

**SEC. 22.** It shall be lawful for any association of persons organized under this act by their articles of association, to provide for an increase of their capital, and of the number of their associates, from time to time, as they may think proper; and in case of any shares of stock held in the name of persons, but in whole or in part for the use and benefit, or as the property of another, both the person in whose name such stock is held, and the person for whose use it is so held, shall be subject to the operation of the twenty-fifth section of this act, making stockholders liable over and above stock to an amount equal to such stock.

**SEC. 23.** Contracts made by any such association, and all notes and bills by them issued, and put in circulation as money, shall be signed by the president or vice president and cashier thereof, and all suits, actions and proceedings brought or prosecuted by or on behalf of such association, may be brought or prosecuted in the name of the president thereof; and no such suit, action or proceeding shall abate by reason of death, removal from office, or resignation of such president, but may be continued and prosecuted according to such rules, as the courts of law may direct, in the name of his successor in office, who shall exercise the powers, enjoy the rights, and discharge the duties of his predecessor.

**SEC. 24.** All persons having demands against any such association, may maintain action against the president thereof, which suits or or actions shall not abate by reason of death, resignation, or removal from office of such president, but may be continued and prosecuted to judgment against his successor, and all judgments and decrees obtained or rendered against such president for any debt or liability of such association shall be enforced first against the joint property of the association, and which property shall be liable to be taken and sold by execution under any such judgment or decree.

**SEC. 25.** Every shareholder of any such association shall be liable in his individual capacity for any contract, debt or engagement of such association, contracted during the time he remained a shareholder, to an amount over and above his stock, equal to the amount of his shares of such stock.

**SEC. 26.** It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

*First.* Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or,

*Second.* Such as shall be mortgaged to it in good faith by way of security for moneys due to such association; or,

*Third.* Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

*Fourth.* Such as it shall purchase at sales under judgments, decrees or mortgages held by such association; the said association shall not purchase, hold or convey real estate in any other case or



for any other purposes; and all conveyances of such real estate shall be made to the president or such other officer as shall be indicated for that purpose, in the articles of association: and which president or officer, and his successor, from time to time, may sell, assign and convey the same, free from any claim thereon against any of the shareholders, or any person claiming under them.

**SEC. 27.** Such association shall, on the first Monday of January and July, in every year, after having commenced the business of banking, as prescribed by this act, make out and transmit to the auditor, in the form to be provided by him, a full statement of the affairs of the association, verified by the oath of the president or cashier, which statement shall contain;

*First.* The amount of the capital stock, including that deposited with the auditor, paid in according to the provisions of this act.

*Second.* The value of the real estate of the association as necessary to the transaction of business.

*Third.* The shares of stock held by such association, whether absolutely or as collateral security, specifying each kind and description of stock, and the number and value of the shares of each.

*Fourth.* The amount of debts due to the association, specifying such as are due from moneyed or other corporations or associations; and also specifying the amount secured by judgment, and the amount which ought to be included in the computation of losses.

*Fifth.* The amount of debts due by such association, specifying such as are payable on demand, and such as are due to moneyed or other corporations or associations.

*Sixth.* The amount of claims against the association, not acknowledged by it as debts.

*Seventh.* The amount of notes, bills, or other evidences of debt issued by such association.

*Eighth.* The amount of losses of the association, specifying whether charged on its capital or profits since its preceding statement, and of its dividends declared and made during the same period.

*Ninth.* The average amount in each month during the preceding six months, of the debts due to, and from the association, the average amount of specie possessed by the same during each month, and the amount of notes and bills issued by such association and put in circulation as money, and outstanding against the association, on the first day of each of the preceding six months.

*Tenth.* The average amount in each month during the preceding six months, due to the association, from all the shareholders in the association; also, the greatest amount due to the association in each of the said preceding six months, from all the shareholders in such association.

*Eleventh.* The amount which the capital of the said association had been increased during the preceding six months, if there shall have been any increase of the said capital, and the names of any

persons who may have become parties to said articles of association, or may have withdrawn therefrom since their last report.

It shall be the duty of the auditor to cause the statement required to be made by this section, to be published in a newspaper printed in the county where the place of business of such association is situated, and in some paper published at Indianapolis, the expenses of which shall be paid by such association: *Provided*, that such private banker or banking association may select such paper and make the contract for such publication.

SEC. 28. If such association shall neglect to make out and transmit the statement required in the last preceding section for one month beyond the period when the same is required to be made, or shall violate any of the provisions of this act, such association may be proceeded against and dissolved by the court, on application of the auditor or any creditor thereof, in the same manner as any monied corporation may be proceeded against and dissolved.

SEC. 29. If any portion of the original capital of any such association shall become of no value from any cause whatever, whilst any debts of the association remains unsatisfied, no dividends or profits on the shares of the capital stock of the association shall thereafter be made, until the deficit of capital shall have been made good, either by subscription of the shareholders, or out of the subsequently accruing profits of the association, and if it shall appear that any such dividends have been made, it shall be the duty of the circuit court of the proper county to make the necessary orders and decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

SEC. 30. The president and cashier of every association formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county where any office of such association may be located, and also in the office of the Auditor of State, on the first Monday of January and July in every year.

SEC. 31. It shall not be lawful for any association formed under the provisions of this act, to make any of its bills of a denomination less than five hundred dollars, to be put in circulation as money, payable at any place than at the office where the business of the association is carried on and conducted.

SEC. 32. The Legislature may, at any time, alter or repeal this act.

SEC. 33. No association of persons authorized to carry on the business of banking, under this act, shall at any time for the space of twenty days, have on hand at their place of business, less than twelve and a half per cent. in specie on the amount of their bills or notes in circulation as money.

SEC. 34. Whenever it is proven that any note or bill issued by any person or association authorized by this act, has been irrecover-

ably destroyed or lost, the person that may have been the holder thereof shall be entitled to recover the amount so lost or destroyed.

SEC. 35. Every officer, agent or clerk of said bank or association, who shall wilfully and knowingly subscribe or make any false statement or false entries in the books of such person or association, or shall knowingly subscribe or exhibit false papers, with the intent to deceive any person authorized to examine as to the condition of such bank or association, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the State prison for such term of years as the jury trying the case may think proper; and likewise any commissioner, examiner, master in chancery, or judge, wilfully and knowingly subscribing or making any false report, shall be deemed guilty of felony, and be subjected to like penalties.

SEC. 36. No director shall, either directly or indirectly, borrow from said bank or association, on loan, discount, or by any other mode, an amount larger than double the amount of stock owned and held by him in said company, except on bona fide bills of exchange drawn payable out of this State.

SEC. 37. No officer or stockholder, or other person connected with the management of the bank, shall act as a notary public therefor.

SEC. 38. The assignment of bonds or stocks, by any person or association, under the provisions of this act, shall be in the following form: "I assign the within bond to the Auditor of the State of Indiana, for the purpose of securing the final payment of any bills or notes which I may receive of him and put in circulation, and for the security of depositors, and not to be transferred or reassigned without the consent of the Governor of this State, in writing." And no bond or stocks so assigned shall ever be transferred or reassigned by the auditor to the person or association depositing the same, or any other person, except by the consent of the Governor, in writing, certified by the Secretary of State, with the seal of the State attached; and any assignment or transfer made by the auditor to any person whatever, without such consent as aforesaid, shall be null and void, and shall convey no interest whatever in the bonds or stocks so assigned. Such written consent of the Governor, certified as aforesaid, shall, whenever the Governor shall deem it necessary under the provisions of this act, be given by him, and accompany the bonds or stocks assigned or transferred in accordance therewith.

SEC. 39. Each and every person or association doing banking business, and each and every person or association having filed with the auditor notice of their intention or application to do banking business, under the provisions of this act, entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, which is the act hereby revised and amended, shall be required to comply with the provisions of this act, in all respects, and shall file an additional amount of stocks of the kind prescribed by this act, equal to twenty dollars for each one hundred dollars par value of

stocks, or market value of stocks as in this act provided already filed, except in the case of United States stocks, as to which no additional amount shall be required; and any person or association failing to comply with the provisions of this act, for the term of six months, shall forfeit all right to do banking business; and the Auditor of State shall forthwith proceed to pay off the bills or notes of said person or association in circulation, and close up the business of said person or association, as in other cases of failure to comply with the provisions of this act.

SEC. 40. In all cases where stocks have been deposited with the auditor by any person or association other than those specified in this act, it shall not be necessary for the person or association depositing them to withdraw them and deposit others of the kind required by this act in their place or stead, so long as they shall continue of the value they were when filed.

SEC. 41. Whenever any person or association doing business under this act, shall wish to close doing business under this act, notice to that effect shall be given in writing to the Auditor of State, by the person or association so wishing to cease doing business, and upon the filing of such in the auditor's office, it shall be the duty of the auditor to immediately give notice by publishing in two of the papers published in Indianapolis, and one in the county where the place of business of such person or association is situated, if there be a paper published in said county, notice that all notes or bills of said person or association must be presented by the holder thereof for payment, either at the office of such person or association, as specified in said notes or bills, or at his office, within three years from the date of said notice; and as fast as the bills or notes of said person or association shall be presented to the auditor by the person or association redeeming them, he shall deliver up an equal amount of stock deposited with him; and at the expiration of three years, he shall deliver up all the stocks deposited with him by such person or association, provided that he, together with the Governor and Treasurer, are satisfied that all depositors with said person or association, are fully paid and satisfied.

SEC. 42. Any corporation in this State (except the State Bank and branches,) having power by its charter to lend money by discounting bills of exchange or promissory notes, may by complying with the provisions of this act, have and enjoy the same privileges and immunities that individuals may.

SEC. 43. The Auditor of State shall before he enters upon his duties, under the provisions of this act, give additional bonds in the sum of one hundred thousand dollars, with sureties to the acceptance of the Governor, conditioned for the faithful performance of his duties in accordance with the provisions of this act, which bond shall be filed in the office of the Secretary of State and by him carefully preserved.

SEC. 44. The act entitled "an act to authorize and regulate the

business of general banking," approved May 28, 1852, which is the act hereby revised and amended, is hereby repealed.

Sec. 45. Whereas many banks are already organized, and doing business under the act repealed by the 44th section of this act, and whereas it is important that this act should take effect and be in force from and after its passage in order to legalize the acts of said banks; therefore it is declared that an emergency exists, and that this act shall take effect and be in force from and after its passage.

Which was concurred in.

When,

On motion by Mr. Hamrick,

The bill was laid on the table and 200 copies ordered to be printed.

On motion by Mr. Turpie,

Leave of absence was granted to Mr. Parker till Monday next.

On motion by Mr. Hamrick,

Leave of absence was granted to Mr. Dodd till Monday next.

On motion by Mr. Cooper,

Leave of absence was granted to Mr. Hicks till Monday next.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Seawright:

A petition from sundry citizens of Boone and Clinton counties, on the subject of plank roads;

Which was referred to the committee on Corporations.

By Mr. Moss:

A petition from 191 voters and 203 ladies of Hamilton county on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Moss:

A petition from 129 voters of the town of Noblesville, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Moss:

A petition from 268 ladies and 39 minors of the town of Noblesville, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Burnett:

A petition from 252 citizens of Vigo county, asking a modification of the school law;

Which was referred to the committee on Education.

By Mr. Hamrick:

A petition from about 1000 voters of Switzerland county, on the subject of the relocation of the county seat of said county.

When,

On motion by Mr. Hamrick,

The petition was referred to a select committee, consisting of Messrs. Hamrick, Turpie, Underwood, Moss, Stockwell, Gentry and Scott.

By Mr. Emery:

A petition from sundry citizens of the State of Indiana, on the subject of the forfeiture of the canal lands to the State of Indiana;

Which was referred to the committee on Claims.

By Mr. Stockwell:

A petition from 60 men and 22 ladies of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Donald:

A petition from the President of the Alton, Mount Carmel, and New Albany Railroad Company, praying the repeal of the law, legalizing the doings and proceedings of said company, and the repeal of all other laws requiring that part of said road from Princeton to New Albany to be constructed.

When,

On motion,

The petition was referred to a select committee, consisting of Messrs. Donald, Farnsley, Peckenpaugh, Stackhouse, and Stockwell.

By Mr. Struble:

A petition from sundry citizens of the State of Indiana, praying to so amend the 9th chapter of the revised code of practice of Indiana, as to declare an emergency, and declare it in force immediately.

Which was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

#### REPORTS FROM COMMITTEES.

Mr. Moss, from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred an act in respect to the settlement of decedents' estates, and various bills and resolutions in relation thereto, have had the same under advisement and have instructed me to report them back, and recommend they be laid on the table, and report in lieu thereof the accompanying bill and to respectfully recommend its passage.

No. 178. A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time.

Mr. Pratt moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman; Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Yount—91.

Mr. Cooper voting in the negative.

So the rule was suspended and the bill read a second time.  
When,

On motion by Mr. Pratt,

The bill was laid on the table and 200 copies ordered to be printed for the use of the house.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER :**

The committee on the Judiciary, to whom was referred Senate bill No. 25, entitled "a bill to amend an act therein mentioned," have had the same under consideration, and a majority of the committee have instructed me to report it back to the House without amendment, and to respectfully recommend its passage.

Which was concurred in, and the bill ordered to a third reading.

Mr. Turpie, from the committee on Corporations, made the following report:

**MR. SPEAKER :**

The committee upon Corporations, to whom was referred resolution of this House No. 17, instructing them to inquire into the law

chartering the central plank road company, and see if there is any law by which said company can be compelled to complete said road to the western line of Putnam county, as contemplated in said charter, &c., have had the same under consideration and have instructed me to report that in their opinion, the subject of the resolution is beyond, above and outside of the proper province of the committee, their opinion would not be binding upon any of the parties concerned, and would be of no *legal* force, effect or utility.

Your committee would respectfully suggest that courts quo warranto and other appliances have been for sometime in operation for the trial and decision of such questions, and would recommend to those concerned an appeal unto Cæsar, to the proper tribunals. That for such purposes judges and officers are paid and salaried, and your committee are not paid for the same; they ask to be discharged from the further consideration of the same.

Which was concurred in and the committee discharged from the further consideration of the same.

Mr. Simpson, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations to whom was referred a resolution inquiring into the expediency of extending the term of office of mayor of cities from one to two years, have had the same under consideration, and have directed me to report, that in their opinion, it is unnecessary to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the report of the committee of Free Conference on house bill

No. 37. A bill to change the time of holding circuit courts in the 10th judicial circuit.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendments of the House to Senate bill

No. 43. An act to repeal part of the first section of an act to



amend an act to incorporate the Lake Michigan, Logansport and Ohio railroad company.

Mr. Hamrick from the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education to whom was referred bill of the House No. 123, entitled an act to amend the 29th, 30th and 31st sections of an act entitled an act to provide for a general system of common schools and school libraries and matters properly connected therewith, approved June 14, 1852, have had the same under consideration and have directed me to report; that in the opinion of your committee, the provisions in the above recited sections were the deliberate and well matured conclusions of the friends of education, and that no amendments should be made to said school bill but those necessary to perfect and carry into effect the objects contemplated in said bill. Your committee believe the amendments proposed in this bill will greatly injure, if not entirely destroy the objects contemplated in the passage of said act: they therefore, recommend that the bill be indefinitely postponed, and ask to be discharged from the further consideration of the same.

The bill was read a second time.

Mr. Torbet moved to lay the report and bill on the table,

And the question being put;

The ayes and noes were demanded by Messrs. Walker of Laporte and Lowe.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brown, Buell, Burnett, Catlin, Chapin, Clark, Donald, Druley, Durham, Dyer, Emery, Farnsley, Ferris, Freeland, Goodman, Greene, Harris, Hendricks, Henton, Hooper, Hunt, Johnson, Jones of Jennings, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Turpie, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Brecount, Brothwell, Bundy, Cooper, Donelson, Dufour, Dunlavey, Ferguson, Fleming, Gentry, Gootee, Hammond, Hamrick, Handy, Hartley, Howell, Jennings, Jones of Boone, Jones of Ripley, Lewis, McDonald of Lake, McKee, Peckenpaugh, Shelby, Shoemaker, Tanner, Thomas, Underwood and Walker of Laporte—29.

So the report and bill was laid on the table.

On motion by Mr. Gentry,

Mr. Read was added to the select committee heretofore appointed on the petition for the relocation of the county seat of Switzerland county.

On motion by Mr. McKee,

Leave of absence was granted to Mr. Steele until Tuesday next.

By unanimous consent,

Mr. Moss obtained leave and offered the following resolution :

*Resolved*, That when this House adjourns it will adjourn to meet on Monday next at 9 o'clock.

Which was agreed to.

By unanimous consent,

Mr. Spencer from a committee of free conference obtained leave and made the following report :

**MR. SPEAKER :**

The committee of Free Conference to whom was referred the matter of disagreement arising out of the engrossed amendments of the Senate to bill of the House No. 37, a bill to change the time of holding circuit courts in the tenth judicial circuit, have had the subject under consideration, and unanimously agree that the House recede from their disagreement and concur in the second engrossed amendment of the Senate, and that the House concur in the first engrossed amendment of the Senate, with the following amendment :

Strike out all after the word "following," and insert as follows :

The courts in the county of Wells shall commence on the first Monday of February and the third Monday of August in each year; in the county of Adams on Monday succeeding the courts in the county of Wells; in the county of Allen on Monday succeeding the courts in the county of Adams; in the county of Whitley on Monday succeeding the courts in the county of Allen.

Which was concurred in by the House.

Ordered that the Clerk inform the Senate thereof.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report :

**MR. SPEAKER :**

The committee on Engrossed Bills have examined engrossed bill of the House No. 142, and find the same correctly engrossed.

Mr. Thomas, from the committee on Enrolled Bills, made the following report :

**MR. SPEAKER :**

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House Nos. 47 and 101, with the engrossed

bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Chapin,

The House adjourned.

MONDAY MORNING, 9 o'clock, }  
February 21, 1853. }

The House met.

The Journal of Friday was read and adopted.

#### REPORTS FROM COMMITTEES.

Mr. Manville, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred House bill No. 136, which gives to the boards of commissioners the power to consolidate several townships for the election of assessors, have had the same under consideration, and have directed me to report; that, in the opinion of your committee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject.

Which was concurred in and the bill was indefinitely postponed.

Mr. Buell, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 132, entitled "a bill to amend an act entitled an act regulating the fees of officers," have had the same under consideration, and have directed me to submit the following report, namely:

The bill proposes to repeal the proviso in said act, which limits the compensation of county auditors to eight hundred dollars; and was referred to your committee, with instructions to enquire into the expediency of the repealing the proviso in said recited act which limits the compensation of county treasurers to one thousand dollars. The committee were of the opinion, that both of the provisos should be repealed, but they considered the bill unconstitutional, because it did not set out the section as amended.

For the purpose of making the bill conform to the constitution, the committee have set out the sections as amended.

The committee have changed the commission allowed to county treasurers for collecting taxes; this change was made for the benefit of the treasurers of the smaller counties.

By some mistake, the clerk of the common pleas court is not allowed anything for granting letters of guardianship. The Legislature certainly never intended that an officer should be required to discharge any duty without giving an adequate compensation. Your committee felt it to be their duty to supply the omission by giving such clerk the same fee for letters of guardianship, that he receives for letters of administration.

The committee recommend the following amendment to said bill, strike out from the enacting clause and insert the following, namely:

That the first and second sections of the above recited act, be and the same are hereby so amended as to read as follows, namely: That the persons and officers herein mentioned, shall be entitled to receive for their services the fees herein allowed, and no others, except otherwise provided by law.

*Clerk's Fees in the Supreme Court.*

Every writ or process and seal.....	\$1 00
Every process or summons, not sealed.....	50
Endorsing on writ of error, or summons under writ of error, that it is to operate as a supersedeas.....	5
Filing each paper in a case.....	5
Copy of a record, or other paper, per sheet of one hundred words, or if the whole number of words in such copy be less than one hundred.....	10
Discontinuance or retraxit.....	10
Bringing a particular record into court.....	25
Entering satisfaction of record.....	10
Receiving and entering verdict.....	10
Entering defendant's appearance.....	5
Entering on docket.....	15
Entering judgment.....	20
Swearing each witness, constable or bailiff.....	5
Making up and entering a complete record, after judgment, per sheet of one hundred words.....	10

Searching the record, within one year.....	10
Every year back.....	5
On confession of error, judgment or default.....	25
Continuing cause.....	20
Every issue joined.....	25
Entering any principal motion.....	10
Certificate and seal.....	50
Every bond.....	50
Making out advertisement for non-resident defendant.....	50
Every hundred words contained in any writing, required by law to be done by him, and for which there is no specific allowance.....	10
For recording deeds or other writings, when required per one hundred words.....	10
Indorsing on supersedeas or writ of error, direction to the clerk of the inferior court.....	25
Docketing judgment.....	15
Taking bail for stay of execution.....	25
Issuing fee-bill for fees not his own.....	50

For services not specially provided for in this act, such clerk shall be entitled to the same fees as are by law allowed for similar services.

*Clerk's Fees in the Circuit and Common Pleas Courts.*

For every writ, summons, or other process.....	50
Entering action.....	5
Filing complaint, or other pleading, or paper.....	5
Copy of complaint or other pleading, when required, or of any order, rule, record or other paper, per sheet of one hundred words, or if the whole number of words be less than one hundred words.....	10
Entering any motion and rule thereon.....	10
Discontinuance or retraxit.....	10
Bringing a particular record into court.....	10
Entering satisfaction of record.....	10
Receiving and entering verdict.....	10
Entering judgment.....	20
Transcript of record, and returning it with the writ, per sheet of hundred words.....	10
Entering defendant's appearance.....	5
Every writ of inquiry, per sheet of one hundred words.....	10
Entering on docket.....	15
Receiving and entering the petit panel and swearing the jury.....	10
Entering fees, excepting his own, on fee docket, per one hundred words.....	10

Swearing each witness, constable or baliff.....	5
Making up and entering a complete record after judgment, per one hundred words.....	10
Searching the record within one year.....	10
Every year back.....	5
Entering report of referees, per one hundred words.....	10
Entering rule of court, and appointing referees.....	20
Entering every special continuance of a cause.....	15
On the surrender of a principal in court by sureties.....	15
Entering each principal motion.....	10
Every issue joined.....	25
On drawing special list of jury attending, striking and making copies of jury list for plaintiff or defendant.....	50
Making out advertisement for a non-resident defendant, or on libel for divorce.....	50
For a marriage license, and recording certificate of marriage	1 00
Recording certificate of an estray, and advertising same....	50
Writ of ad quod damnum.....	1 00
Taking bail for stay of execution.....	25
Copy of a judgment to operate as a lien on real estate in an- other county.....	50
Issuing fee-bill, for fees other than his own.....	50
Filing and recording transcript as a lien on real estate...	50
For every one hundred words of the record transcribed in a writ of venditioni exponas or scire facias.....	10
Entering a writ of error or certiorari from the Supreme Court.....	10
Making examination, registering, and certifying to each negro or mulatto, as required by law, to be paid out of the county treasury, for each.....	25
Each certificate to a person desirous of borrowing school funds, as required by the school law, to be paid by such person.....	25
Writing an affidavit and swearing affiant thereto.....	25
Certificate and séal.....	50
Reading and entering each order.....	10
Every other writing required by law, for which there is no specific allowance, per every one hundred words.....	10
For all services not specifically provided for in this act, the clerk shall be allowed the same fees as are by law allowed him for similar services.	

*Clerks' Fees in Criminal Proceedings.*

For taking a recognizance and drawing it up in form.....	\$0 40
Every writ or other process.....	50
Entering defendant's appearance.....	5

Making up record, per sheet of one hundred words . . . . .	10
Copy of record, when required, per sheet of one hundred words . . . . .	10
Every order or rule of court . . . . .	10
Filing record . . . . .	10
Entering the panel and swearing the jury . . . . .	25
Swearing each witness, constable or bailiff . . . . .	5
Taking and entering verdict . . . . .	10
Entering defendant's confession . . . . .	20
Copies of indictments and pleadings, if required, per one hundred words . . . . .	10
Discharging a recognizance . . . . .	10
For services in criminal cases not specifically provided for, the same fees as are allowed for similar services in civil cases.	

*Clerks' Fees in Relation to Estates.*

For all copies, per one hundred words . . . . .	10
Administering an oath . . . . .	5
Filing a paper, other than a voucher for the payment of money . . . . .	5
For filing all vouchers for money paid each . . . . .	2
For a citation . . . . .	50
For a letter of administration, and recording and filing the same . . . . .	1 00
Proving a will and indorsing certificate thereon . . . . .	1 00
Qualifying administrator, taking bond and writing certificate . . . . .	1 00
Proving a codicil, if proved separately, indorsing certificate, recording and filing the same . . . . .	1 00
Recording inventory or account, per one hundred words . . . . .	10
Giving notice by order of court for sale of land, for every advertisement, not exceeding three . . . . .	25
Entering up an order for the appraisers of decedent's estate . . . . .	10
Recording will, per one hundred words . . . . .	10
Rendering account of money received and paid out for each estate, each time . . . . .	25
Rendering each final settlement account . . . . .	50
Writing affidavit and swearing affiant . . . . .	10
Making up records and entries, not herein provided for, for each one hundred words . . . . .	10
For a letter of guardianship, and recording and filing same . . . . .	1 00
Qualifying guardians, taking bond and writing certificate . . . . .	1 00

*Sheriff's Fees.*

For serving a writ and taking into custody . . . . .	\$0 50
For every mile travelled in going and returning to serve process . . . . .	6

Taking bail . . . . .	25
Taking a recognizance and drawing it up in form . . . . .	50
Returning every writ . . . . .	10
Summoning a jury (with mileage as above) . . . . .	75
Executing writ of possession . . . . .	1 00
Calling a jury in each cause . . . . .	10
For every person committed to jail . . . . .	50
Discharging every person out of jail . . . . .	40
Holding an inquisition, drawing up and returning the same . . . . .	1 50
Serving a summons . . . . .	30
Attending a prisoner before a judge when surrendered by his bail, and receiving the prisoner into custody . . . . .	50
Boarding each prisoner, per day . . . . .	30
Selling property on execution, a commission of five per centum on the first three hundred dollars, and two per centum on any excess above that amount; but when the money is paid to him without sale, one-half commissions only shall be allowed.	
Taking a valuation of lands . . . . .	75
Taking a replevin bond . . . . .	75
Serving a <i>capias ad satisfaciendum</i> . . . . .	1 00
Levying on property and advertising the same without sale . . . . .	1 00

Mileage as above when no money is made, and no other fee or reward shall be allowed on executions except for the expense of keeping property.

Making a deed on sale of real estate on execution . . . . .	2 00
Serving a writ of attachment . . . . .	50
Returning writ of attachment . . . . .	25

Sheriffs shall not be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered.

For postage paid on letters received from, or directed to the clerk of the supreme court enclosing process issued by said court, the amount thereof to be returned as an item of charge.

**SEC. 2.** Clerks or sheriffs, whose fees exceed one thousand dollars per annum, shall not be entitled to any extra allowance out of the county treasury, and the county board shall, before making any extra allowance to either a clerk or a sheriff, require such officer to make oath to the amount of his fees for the year, for which such allowance is sought to be made.

In criminal cases not provided for, the like fees as for services in civil cases.

For collecting fee bill, six per centum on the amount thereof.

For taking a convict to the State prison, and all expenses incident to the same, per mile, to be paid out of the State Treasury . . . . .	25
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For each additional convict taken at the same time, per mile . . . . .	10
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For taking a prisoner to another county, such fees as the board doing county business, in the county whence the prisoner was taken, may in their discretion allow, out of the funds of said county.



For each commitment and discharge for a prisoner under any city authority .....	20
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*Fees of the Secretary of State.*

For recording each bond .....	25
For all copies of records, laws and papers, per one hundred words .....	10
For each certificate and seal ....	50

Such fees to be paid by the persons for whom the services are rendered: *Provided, however,* such secretary shall in no case be entitled to any fee as above provided, except when the services rendered are for a private person, and not for the State, or any county, or officer of either, except notaries public.

For issuing commission to a notary public, and recording his bond, &c .....	75
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*Recorder's Fees.*

For recording deeds and mortgages, and the acknowledgment thereof, for the first hundred or less words .....	50
Each additional hundred words .....	10
For certificate not under seal of acknowledgment of deeds and mortgages .....	25
For certificate and seal .....	50
For recording all other instruments, and giving certified copies of any record, for each one hundred words .....	10
For recording town plats, for first one hundred lots or under ..	2 00
Each additional lot .....	1

*County Auditor's Fees.*

For all records, copies and other writing, for each one hundred words, (counting three figures for one word) .....	10
Filing each paper .....	5
Each county order .....	5
Tax certificate .....	25
Each record of an agreement .....	25
Each acknowledgment of a deed, to be paid by the person for whom the service is rendered .....	25
Assignment of tax certificate and recording the same .....	25
Making copy of tax duplicate, for each one hundred words, (counting three figures as one word) .....	8
Administering an oath .....	5
Each tax deed, to be paid by the person receiving such deed ..	1 00
Each special constable's bond, oath and registration of same to be paid by such constable .....	1 00
Each certificate and seal, to be paid by the person requesting the same .....	50

Each mortgage to secure the loan of school fund, to be paid by the mortgagor.....	50
For each tract or parcel of land sold for taxes.....	10
Writing any affidavit necessarily connected with the business of his office, and swearing affiant thereto.....	25
Each merchant's or other license.....	50
Each road tax list.....	25
Registering receipt given by the treasurer for money.....	5
Each bond taken in the discharge of his official duties.....	30
Each quietus for land redeemed, to be paid by the person redeeming.....	20
Each quietus for a treasurer's receipt.....	5
Each writ, notice or process required to be under seal.....	50
If same be not under seal.....	25
Each day engaged in the county board of equalization.....	1 50

In trials before the board of county commissioners, the auditor shall be entitled to the same fees as are allowed clerks of the circuit court for similar services, where no specific fee is fixed in this act, which shall be paid by the county, or other person, as the right of the case may be; as such board or court may order.

#### *County Treasurer's Fees.*

For collecting taxes, shall be twelve per cent. on the first thousand dollars; eleven per cent. on the amount between one and two thousand dollars; ten per cent. on the amount between two and three thousand dollars; nine per cent. on the amount between three and four thousand dollars; eight per cent. on the amount between four and five thousand dollars; two per cent. on the amount between five and twenty-five thousand dollars; one per cent. on all sums over twenty-five thousand dollars.

Two and one-half per cent. for securing and paying out all other moneys other than tax and school fund.

For every mile traveled in going and returning to make settlements with the Treasurer and Auditor of State, and to make deposits of State revenue under the instructions of such treasurer and auditor..... \$0 08

For each tract or parcel of land sold for taxes..... 10

*Provided*, That the treasurer shall not be entitled to charge or receive any per centage or commission for receiving and paying over certificates or receipts for taxes or work done on roads or highways.

#### *County Commissioners' Fees.*

For each day's attendance as a member of the county board, or of the board of equalization, each commissioner shall receive..... 00

*County Surveyor's Fees.*

For every corner by him located or perpetuated . . . . .	\$1 00
For every line run in dividing and running up sections or parts of sections, per mile . . . . .	1 00
Where more than four corners are to be perpetuated in the same section, for each additional corner, only . . . . .	50
For going to and returning from a review, per mile . . . . .	5
Attending court, per day . . . . .	1 25
Surveying a town lot . . . . .	1 00
Every additional lot surveyed at one time . . . . .	25
Running a division line one mile or under . . . . .	1 00
Surveying an acre of land or under . . . . .	1 50
Services in locating roads by authority of law, per day . . . . .	2 50
Copy of a plat of land or certificate of survey . . . . .	25
Making out a complete report of the survey made of any road, including field notes, &c . . . . .	50
If such survey exceeds five miles . . . . .	1 00
In all surveys made by authority of the board of county commissioners or township trustees, chain-bearers and axemen shall receive, per day . . . . .	1 00

*Prosecuting Attorney's Fees.*

Docket fee in court of common pleas on a plea of guilty . . . . .	\$2 00
Docket fee before a justice of the peace . . . . .	2 50
Docket fee in divorce cases . . . . .	5 00
Docket fee upon forfeited recognizances, when he prosecutes to final judgment against the defendants . . . . .	5 00
Docket fees in all cases of final payment [judgment] in favor of the State on forfeited recognizances . . . . .	5 00
Docket fee in cases in circuit court, on plea of guilty . . . . .	2 50
Docket fee in cases in circuit court, on plea of not guilty . . . . .	5 00
Docket fee in cases in court of common pleas, on plea of not guilty . . . . .	4 00
In all other cases not specified, when the prosecuting attorney is required to prosecute or defend, the fee shall be, in the circuit court and in the court of common pleas . . . . .	5 00

*Constable's Fees in Civil Cases.*

For serving a summons or warrant on each person named therein . . . . .	25
Traveling to serve process or subpœna, or other writ, per mile, . . . . .	6
Where two or more are named in such process, mileage shall be allowed for the distance necessarily travelled.	
A copy of the process left at the defendant's residence . . . . .	25
Serving a subpœna, for each person therein named . . . . .	20
Returning each writ . . . . .	5

Bail bond.....	25
Serving execution and mileage as above.....	25
Commitment to prison.....	25
Sale of goods, when the amount does not exceed six dollars..	25
On all sums above six dollars, five per centum.	
On all moneys collected on execution without sale, to such constable half the above commissions.	
Returning execution.....	10
Summoning a jury in any case.....	25
Attending a jury trial before a justice.....	25
Posting up advertisement of sale.....	15

*Constable's Fees in Criminal Cases.*

For serving a warrant on each person named therein.....	50
Serving a subpœna.....	20
Traveling to serve any process, per mile.....	6
Attending an examination or trial of a person charged with a crime or misdemeanor.....	25
If more than one, an addition for each of.....	10
Commitment of each person.....	25
And for each mile necessarily travelled.....	5
For services not herein enumerated, the same fees as in civil cases.	

*Fees of Justices of the Peace.*

For each summons or capias.....	25
Every examination on a criminal information on oath,...	50
Swearing each witness.....	5
Every warrant in a criminal case.....	25
Every trial on complaint for unlawful detention of lands or tenements.....	1 00
Issuing every attachment for contempt.....	25
Taking an acknowledgment of a deed or a power of attorney	25
Order for relieving a pauper.....	25
Order for removing a pauper.....	50
Certifying description of a boat adrift or estray.....	25
Warrant and certificate of appraisement.....	25
Taking and certifying depositions.....	25
And for each hundred words therein contained more than one hundred..	10
For each process required by law, and not herein enumerated	20
For every writing or record not herein provided for, every one hundred words.....	10
Every trial.....	25
For certifying copies of all proceedings, per each one hundred words.....	10

Entering continuance....	\$ 10
Every bond or recognizance.....	25
Every venire for summoning jury.....	25
Each transfer of judgment.....	10
Issuing execution.....	25
Subpœna for witnesses, to include all that are called for at one time.....	25
Administering each oath required by law and not herein enumerated.....	5
Trial of right of property, and judgment.....	50
Swearing jury.....	10
Making up docket, for every one hundred words.....	10
Each writ of attachment against property.....	50
Making return of fines to court, for each mile necessarily traveled, to be paid by the county.....	5
Transmitting papers in cases of appeal.....	25
Writing an affidavit.....	10

#### *Jurors' Fees.*

Every juror shall receive, in the circuit court or court of common pleas, to be paid out of the county treasury, per day.....	1 25
Every grand juror sworn, for his services as such, to be paid by the county, per day.....	1 25
Every such grand or petit juror, for each mile traveled, in going to and returning from court, shall receive, to be paid by the county.....	4
Every juror for attending a trial per day before a justice of the peace, to be taxed with the costs of suit.....	50
Every juror sworn, in each action in the supreme court, to be taxed against the party failing in the suit.....	1 50
For every mile actually traveled in going to and returning from court.....	5

#### *Witness Fees in the Supreme and Circuit Courts, and Court of Common Pleas.*

To every witness attending in his own county on trial, per day.....	75
To every witness attending from another county, each day..	1 00
To each witness subpœnaed in the county, and detained from another county, each day.....	1 00
For every mile necessarily traveled in going to and returning from court from his place of residence, each witness shall receive.....	4

*Witness Fees before a Justice.*

Attending per day..... \$ 50  
 Witnesses shall claim their fees on the day of trial, before the judgment docket is signed by the justice.

*Fees of Notaries Public and Commissioners.*

For each certificate and seal.....	50
Taking depositions or other writing, for each one hundred words.....	10
Administering an oath.....	10
For each protest.....	50
Each notice thereof.....	25
When required, for each one hundred words, in recording or copying such protest.....	10
Taking acknowledgment of deeds, mortgages, powers of attorney, or other written instruments.....	25

*Coroner's Fees.*

Empanelling and swearing a jury and witnesses, and making and returning inquisition, for the view of each body..... 5 00

*Township Trustees', Clerks' and Treasurers' Fees.*

For each days's service shall each be allowed, to be paid out of the township fund..... 1 00  
 When,

On motion by Mr. Moss,

The bill and pending amendments were laid on the table.

The Speaker laid before the House the following communication from his Excellency, the Governor, with the accompanying report:

EXECUTIVE DEPARTMENT, )  
 February 21, 1853. )

Hon. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—You will please to lay before the House of Representatives, the accompanying letter and report of Benjamin Wolfe, Esq., the agent appointed to select lands under the act of Congress, approved July 12, 1852, for the State University.

Respectfully yours,

JOSEPH A. WRIGHT.

TO HON. JOSEPH A. WRIGHT,

*Governor of the State of Indiana:*

By virtue of the authority in me vested by the commission under your hand and seal of the State, and under the act of Congress, approved July 12, 1852, and in abedience to your instructions as the agent thus constituted, on the part of the State, I proceeded and have selected four thousand one hundred and sixty-three acres and nine-hundredths of an acre of land, for the use of the State University, as authorized and specified in said act, which I now report to you by virtue of the authority aforesaid, and which will be known by the numbers and descriptions as follows, to-wit:

*STATEMENT of Lands for the use of the State University.*

DESCRIPTION.	Section.	Township.	Range.	Acres.	Hundredths.
East half of north fraction.....	5	6 N	9 W	120	54
North-west quarter of north-west quarter.....	25	6 N	10 W	40	
North-east quarter of north-east quarter.....	26	6 N	10 W	40	
North-east quarter of south-east quarter.....	22	7 N	10 W	40	
East half of south-west quarter.....	15	5 N	9 W	80	
North-east quarter of south-west quarter.....	4	5 N	9 W	40	
South half of north half of west half.....	6	6 N	9 W	59	40
South half of south half of north half of east half.....	6	6 N	9 W	88	
North-east quarter of north-east quarter.....	22	5 N	9 W	40	
South-east quarter of north-west quarter.....	5	1 N	4 W	40	
South-west quarter of south-east quarter.....	5	1 N	4 W	40	
North-west quarter of south-west quarter.....	5	1 N	4 W	40	
East half of north-east quarter.....	6	1 N	4 W	82	25
West half of north-west quarter.....	1	1 N	5 W	82	50
North-east quarter of north-west quarter.....	4	1 N	4 W	41	15
North half of north-east quarter.....	4	1 N	4 W	82	40
South-west quarter of south-east quarter.....	4	1 N	4 W	40	
South half of south-west quarter.....	4	1 N	4 W	80	
South-west quarter of south-west quarter.....	4	1 N	4 W	40	
North half of the south-west quarter.....	29	2 N	4 W	80	
West half of north-west quarter.....	29	2 N	4 W	80	
South-east quarter of south-east quarter.....	29	2 N	4 W	40	
North-east quarter of north-east quarter.....	22	2 N	4 W	40	
North-east quarter of south-west quarter of west fractional.....	28	2 N	4 W	40	
West half of north-west quarter, fractional.....	28	2 N	4 W	80	
South-east quarter of south-west quarter.....	21	2 N	4 W	40	
South-east quarter of north-east quarter.....	20	2 N	4 W	40	
South-east quarter of north-east quarter.....	13	3 N	4 W	40	
East half of north-west quarter.....	13	3 N	4 W	80	
West half of north-west quarter.....	14	3 N	4 W	80	
West half of south-west quarter.....	14	3 N	4 W	80	
West half of east half, fractional.....	23	3 N	4 W	84	12
Lot No. 1, fractional.....	26	4 N	3 W	40	
Lot No. 3, fractional.....	26	4 N	3 W	56	40
South-east quarter of south-east quarter, east fractional.....	26	4 N	3 W	40	
West half of south-east quarter east, fractional.....	26	4 N	3 W	80	
North-east fractional quarter, south fractional.....	25	4 N	3 W	84	53
East half of south-west quarter, south fractional.....	25	4 N	3 W	80	
West half south-east quarter, south fractional.....	25	4 N	3 W	80	
South-west quarter of north-west quarter, south fractional.....	25	4 N	3 W	40	
South-west quarter of south-west quarter, south fractional.....	25	4 N	3 W	40	
North-west of south-west quarter.....	12	4 N	3 W	40	
West half of north-east quarter.....	12	4 N	3 W	80	
East half of south-west quarter.....	12	4 N	3 W	80	
South-west quarter of south-east quarter.....	12	4 N	3 W	40	
South-west quarter of north-east quarter, north fractional.....	13	4 N	3 W	40	

**STATEMENT of Lands for State University.—Continued.**

DESCRIPTION.	Section.	Township.	Range.	Acres.	Hundredths.
West half of north-west quarter, north fractional.....	13	4 N	3 W	80	
East half east half, north fraction.....	14	4 N	3 W	97	61
Lot No. 3, west half of east quarter, north fraction.....	14	4 N	3 W	62	15
South-west fractional quarter north fraction.....	14	4 N	3 W	165	64
North-east quarter of north-east quarter.....	15	4 N	3 W	40	
North-east quarter.....	15	4 N	3 W	160	
South east quarter of south-east quarter.....	1	4 N	3 W	40	
West half of south-west quarter.....	11	4 N	3 W	80	
North-west quarter of south-east quarter.....	11	4 N	3 W	40	
South-west quarter of north-west quarter, north fractional.....	22	4 N	3 W	40	
North-west quarter of north-west quarter, north fraction.....	22	4 N	3 W	40	
West half of south-east quarter.....	17	5 N	3 W	80	
South-east quarter of north-east quarter.....	22	5 N	3 W	40	
South-west quarter of north-west quarter.....	23	5 N	3 W	40	
South-west quarter of south east quarter.....	4	4 N	4 W	40	
North-east quarter of north-west quarter.....	2	4 N	4 W	40	
South east quarter of south-west quarter.....	35	5 N	3 W	40	
South-west quarter of south-east quarter.....	35	5 N	3 W	40	
North-east quarter of north-east quarter.....	9	4 N	4 W	40	
South-east quarter of south-west quarter.....	35	5 N	4 W	40	
South-west quarter of south-east quarter.....	35	5 N	4 W	40	
South-east quarter of south east quarter.....	36	5 N	4 W	40	
North-east quarter of north-west quarter, north fraction.....	14	4 N	3 W	40	
Lot No. 1 of south-west fraction quarter, north fraction.....	13	4 N	3 W	40	
Lot No. 3 of south-west fraction quarter, north fraction.....	13	4 N	3 W	34	

Total acres..... 4,163.09

IN TESTIMONY WHEREOF, I have hereunto set my hand and official character, this 17th day of February, A. D. one thousand eight hundred and fifty-three.

BENJAMIN WOLFE, *Agent.*

CARLISLE, February 19th 1852.

*Dear Sir:*—I have made the selection of lands under the act of Congress, approved July 12th, 1852, for the use of the State University. I made my report to the register of land office at Vincennes on yesterday, and by to-day's mail I report the same to you.

I found Congress lands scarce. I rode over several counties, but made my selections in Sullivan, Knox and Martin—most in the latter. I found the most Congress land in Crawford, Greene, east side, and Martin—they are all much broken—have some tolerable land, some first rate timber, but I found the timber in Martin to be more accessible. Land is good and location better than either of the others. I found it to be a tedious duty to perform much more so than I had anticipated. You may think, and the honorable Legislature too, that



I have consumed more time than necessary, or that I have not labored faithfully. Well, if you or they should think so, you do me great injustice, for I can assure you, my dear sir, that it has been hard, rough business; I have not only labored hard, but have been greatly exposed; but as I had undertaken it, I was determined to do the best I could. I think I made the very best selection that could have been made under the circumstances. I found that land was being entered up very rapidly, so I took occasion to report my selections, from time to time; which to some extent secured my selections. The Register at first recognized my reports, but has now come to the conclusion that if any of those are applied for, that he is bound to let them go, my report to the contrary, notwithstanding. To make the matter as plain to him as possible, I filed with him my commission, the copy of the act of Congress, together with the copy of the letter of J. Wilson, Commissioner of the General Land Office, to you; though I am inclined to think they will not be sold. About the time I reported, the Register received instructions from the Secretary of the Interior, that under the act of Congress of 1840, the office at Vincennes must close, and all the books, maps, &c., should be forwarded to Jeffersonville, the number of acres in said district being reduced below one hundred thousand acres. They finally close said office, as I am advised on Saturday next. You will see that I fall a little short, but I could come no nearer without losing more in quality, than I have in quantity. I am tired, and I am aware that my report is daily expected; so I have concluded to send it by mail. In reference to my allowances, I will leave the whole matter with you and the Legislature. I recommenced my labors on the 23d of December, and have been employed up to this date, being 57 days, except 10 days I was not able to ride, which, no doubt was brought on by exposure. I am now some 70 miles from home. Now, as to the 10 days, and for going home; the Honorable Legislature can do as they think will be right and proper. It will be remembered, that my labor had to be performed on horseback, which increased my expense, I was charged at one point \$1,75 per day and no extras; I indorsed a receipt from the Register for money I paid him. I have paid for stationery, 2 small books, postage, &c., \$2,00. I expect, through you, to present my claim to the honorable Legislature, I have no doubt but they will do me justice; many of that body can anticipate my labors and privations, the roads, or woods, and the season of the year taken into the account. I regret that I have not time to shorten my letter, seeing its length, but by not coming up personally, I feel disposed to explain matters, and lay them before you in as clear a light as possible. Excuse haste, and I remain,

Yours respectfully,

BENJAMIN WOLFE.

P. S. I have just received news that Wm. Wolfe is quite ill. I will leave for Bloomington immediately. If you desire any further information on the foregoing business, write me there.

B. W.

VINCENNES, Jan. 14, 1853.

Received of Benjamin Wolfe, agent to select lands for the State University, the sum of \$13,00 for services rendered in giving descriptions of congress lands, &c., in the register office, Vincennes, Ind.

When,

On motion by Mr. Gentry,

The report was referred to the committee on Claims.

The Speaker laid before the house the following communication from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
FEBRUARY 21, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives :*

SIR:—Mr. John S. Tarkington is authorized to make communications from the executive department, in the absence of my private secretary, Mr. King.

Respectfully yours,  
JOSEPH A. WRIGHT.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred house bill No. 163, have had the same under consideration, and inasmuch as the principle contained in the bill is embraced in a bill now pending before the house, the committee have instructed me to report the same back to the house, and to recommend that it be laid on the table.

Which was concurred in, and the bill laid on the table.

Mr. Hendricks from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred house bill No. 115, entitled an act amenditory to chapter xxxvi of the code of civil practice, have instructed me to report the same back with the following amendments:

1st. Strike out the title and substitute the following, viz: An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery, through land belonging to any other persons, and to regulate the assessment and payment of dam-

ages therefor, being an act supplemental to article 41, chapter 1, of part second of the revised statutes of 1852.

2nd. Strike out from section 1, the words 'chapter xxxvi of the code of civil practice so far as applicable,' where they occur at the end of said section, and insert in lieu thereof the following, viz: 'article 41, chapter 1, of part second, vol. 2nd, of the revised statutes of 1852, so far as applicable.'

3d. Strike out from sec. 2, the words 'chapter xxxvi,' and insert in lieu thereof the words 'article 41, chapter 1, part second of the revised Statutes of 1852.'

With which amendments, your committee would respectfully recommend the passage of the bill.

The amendments were adopted and the bill ordered to be engrossed.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom house bill No. 144 was referred, an act for the relief of the inhabitants of township 12, north of range nine west in Vigo county, &c., have directed me to report the same back to the house and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Read, from the committee on the Judiciary made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 152, "an act to pay counsel in certain cases," have directed me to report the same back to this House, and respectfully recommend its reference to the committee on Ways and Means. The committee ask to be discharged from the further consideration of the same.

Which was concurred in, and referred to the committee on Ways and Means.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred House bill No. 155, in relation to contracts made by agents or attorneys in fact, under powers of attorney, have had the same under consideration, and instructed me to report the same back with one amendment, and upon the adoption of the same, to recommend the passage of the bill.

Amendment: Add the following at the close of section 1: "*Provided*, that the name of such principal shall appear in such contract."

The report was concurred in, and the bill ordered to be engrossed.

Mr. McDonald, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to which was referred bill of the House No. 157, and amendments, in relation to reservoirs in Gibson county, have directed me to report the same back, and recommend that the amendment be amended as follows, and when so amended, that the amendment be adopted in lieu of the bill, and that its passage be then recommended. The committee have made this report in pursuance of an agreement between the Representative from Gibson and the Representative of the interests of the trustees of the Wabash and Erie canal; and as there are no other interests connected therewith, the committee have thought it proper to recommend that the matter be arranged as they have agreed.

Amend as follows: Strike out "three" and insert five physicians.

Insert in the proper place after the word "physician," the following words: "None of whom shall be residents of Clay, Gibson or Vigo counties, Indiana."

Add in the proper place, "except the suit now pending in the Gibson circuit court, which has not been commenced by the authority of the State."

Add the following sections:

SEC. —. It shall and may be lawful for either party to the suits now pending in the counties of Gibson and Clay, to offer in evidence the report of said physicians in the trial of said suits now pending, or which may hereafter be commenced in any circuit court for constructing or maintaining said reservoirs; and for the purpose of having and obtaining said reports in the trial and suits now pending, the courts of the county of Clay shall, and the courts of the county of Gibson may, in their discretion, on the application of either party, continue said suits until said report is received and put on file in said suit or suits:

SEC. —. This act is declared to be in full force and effect from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal,—an emergency existing by reason of pending suits for the speedy taking effect of this act.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred bill No.

153, entitled "a bill granting compensation to justices of the peace in certain cases," have had the same under consideration, and have instructed me to report the same back with a recommendation that the same be laid upon the table.

The object of the bill is to empower justices to act as attorneys, and allow them fees in cases of collection where no process is used against the defendant to make the money. There is nothing in the law now which hinders justices from acting as attorneys in all cases contemplated in the act proposed, and making such charges as may compensate them for such services. In the opinion of the committee no further legislation is needed upon the subject; anything further might have a tendency to cause justices to neglect those official duties for which they were more especially created.

The report was concurred in, and the bill laid on the table.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred House bill No. 99, entitled "an act to amend an act for the relief of certain persons therein named," approved February 16th, 1848, have directed me to report the same back with the following amendments:

1st. Amend the title by striking out the words "to amend," where they occur in the first line, and substituting the following, viz: "supplemental to an act entitled."

2d. Strike out all of section 1 after the enacting clause, and insert the following, viz: "That the aforesaid power of attorney, and transcripts from the record thereof, duly certified, shall be admissible in evidence in all the courts of this State, the same as if said power of attorney had been acknowledged or proved, and certified in conformity with the laws of this State, and the record thereof shall be deemed to have the same force and effect that it would have had if the original had been acknowledged or proved and certified in conformity with the laws of this State: *Provided*, that nothing herein contained shall be construed as intended to divest or impair any rights already vested, except that as against the State of Indiana it shall be deemed valid, effectual and regular to all intents and purposes.

3d. Strike out from the first part of section 2 the following words, viz: "That the said first section of the act aforesaid shall be construed," and insert in lieu thereof the following: "It is hereby declared to have been the intent and meaning of the first section of the act to which this act is supplemental."

With the above amendments your committee would respectfully recommend the passage of the bill.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Read, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 156, have considered the same and directed me to report that they can see no good reason for the amendment of the present law as proposed in said bill, and have directed me to report the same back and recommend its indefinite postponement.

Your committee ask to be discharged, &c.

The report was concurred in, and the bill indefinitely postponed.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 160, have had the same under consideration, and have directed me to report it back to the House, and to respectfully recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 150, have, according to order, had the same under consideration, and instructed me to report the same back to the House with one amendment, and upon the adoption of the same, to recommend the passage of the bill.

Amendment: Add the following to the bill at the close of the last section: *Provided, however,* that nothing in this section contained shall be construed to require the board doing county business to make further allowances to any recorder, on account of work done under the law hereby amended, than was stipulated and agreed upon, or than what has been paid and accepted for such service.

The amendment was adopted, and the bill ordered to be engrossed.

Mr. Turpie, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred bill No.

111, of this House, entitled "an act to prevent the betting upon elections, and to punish offenders therefor," have had the same under consideration, and have instructed me to report the same back with a recommendation that it be indefinitely postponed. The constitution of the State clearly prescribes who shall vote, and what shall make a disqualification. The language of that instrument is, "in all elections not otherwise provided for in this constitution, every white male citizen of the age of twenty-one years and upwards, who shall have resided in this State for six months immediately preceding said election, shall be entitled to vote in the township or precinct in which he may reside." The constitution gives the power "to deprive of the right of suffrage any person convicted of an infamous crime." But, in the opinion of the committee, the law does not recognize betting upon elections as such. The committee are of opinion that the bill submitted to them is unconstitutional.

The report was concurred in, and the bill indefinitely postponed.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a joint resolution of the House (No. 26) in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal, with specified amendments, have had the same under consideration and directed me to report the joint resolution back and recommend that it be laid on the table, and as a substitute, report

No. 179. A bill in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal.

Mr. Pratt moved to suspend the rules and read the bill a first time by its title.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Freeland, Gentry, Goodman, Gootie, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henton, Hooper, Hunt, Jennings, Jones of Jennings, Jones of Ripley, Laird, Lines, Lowe, Manville, McCormick, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Sutton, Taber, Thomas, Underwood, Walker of Rush, Wilson, Work, and Yount—70.



*Those who voted in the negative were,*

Messrs. Dyer, Henry, Jones of Boone, Lasselle, Lemmon, Scott, Struble, Tanner, Turpie, and Mr. Speaker—10.

So the bill was read a first time by its title, and passed to a second reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom Senate bill No. 31 was referred, a bill to repeal sections 36 and 37 of an act entitled "an act to establish courts of common pleas, &c., have had the same under advisement, and have directed me to report the same back to the House without amendment, and recommend its passage.

When, the bill was lost on being ordered to a third reading.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 29, entitled "a bill to repeal part of section 119 of an act entitled an act to revise, simply and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852," together with the engrossed amendments of the Senate thereto, have directed me to report the same back to the House, with the following amendment to the first engrossed amendment of the Senate, viz: Strike out from said first engrossed amendment the word "acceptions," where it occurs therein, and insert in lieu thereof the word "exceptions."

With which amendment, they would respectfully recommend the concurrence of the House, with the engrossed amendments of the Senate to said bill.

The report was concurred in, and the engrossed amendment of the Senate, as amended, was agreed to.

Ordered that the Clerk inform the Senate thereof.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education have, according to order, pre-



pared, with great care and no little labor, the following bill, which I am directed to report to this House.

Feeling sensibly the vast importance of Education to the social, moral and political health of our commonwealth, the committee have not acted without some hesitancy, and have matured, step by step, every proposition presented to their consideration.

Without proposing to change any radical feature of our present law, which provides, in accordance with the letter and spirit of the Constitution of our State, for "a general and uniform system of Common Schools," the committee have only made those alterations and additions which will further and promote the easy operations of a great system which is destined to leave its impress upon the age in which we live, and shed a halo of glory around the names of its illustrious originators.

The committee cannot disguise their knowledge of the fact that in many sections there exists a spirit of opposition to this law; yet they sincerely believe that this feeling arises more from a misapprehension of the practical working of the system, than from any defect in its radical features.

The consolidation of the congressional township fund, and the levying of a tax for general School purposes, are, with many, the foundation of all opposition to the law as it now exists upon our statutes. If the first be wrong, the error is deep-rooted, for it finds its source in the Constitution of our State.

This popular Constitution provides that "in all cases where a general law can be made applicable," our "laws shall be general and of uniform action throughout the State." It also enumerates cases in which no local or special law shall be passed; and among the specifications is the following: "Providing for the support of Common Schools, and for the preservation of the School fund."

But this is not all. Section 1 of Article VIII of the Constitution, makes it the duty of the General Assembly "to provide by law for a general and uniform system of Common Schools," and Section 2 of the same article, of itself consolidates the School fund. The consolidation feature of our School law, is almost a verbatim repetition of this section of the constitution. The General Assembly, then, has but one of two courses to pursue: to provide for a change in the Constitution, or for the uniform distribution of the School fund, in accordance with the provisions of the Constitution. The Constitution could not be altered, and our laws conformed thereto, in a shorter period than four years; in the mean time the School fund must be disposed of by the provisions of the present law, or by a similar law, or it cannot be disposed of at all, and must be unavailable.

The committee, then, are unanimously of the opinion that the present School law should be fairly tested, and if its "workings"

be unsatisfactory, then future legislation should make the desired change in the fundamental law of our State.

A general direct tax for School purposes, is opposed by many on the ground that it falls unjustly on the property holder who may have no children to educate. The able report of our State Superintendent of Public Instruction, is so explicit and satisfactory upon this point, that another word is utterly unnecessary. To "multiply and replenish the earth," is not only a moral duty, as inculcated by the precepts of Divine inspiration, but is an obligation imposed upon every man of delicate sensibilities, and true poetic sentiment, the omission of which would be worse than treason against his country. The individual, then, so destitute of patriotism, so narrow-minded and mean, as to be unwilling to perpetuate his race, lest it be attended with expense, if not disfranchised, should at least be compelled to educate other men's children.

Without consuming time to notice in this report some other important objections urged against our present School system, it is perhaps better to pass on and explain briefly the motive actuating the committee in the adoption of each section of the bill herewith presented for the consideration of this House.

Section 1 of this bill so alters Section 9 of our Common School law, as to dispense with the mapping of townships, a provision which is thought to be attended with more expense than benefit. It provides, also, that the property of negroes and mulattoes shall not be taxed for School purposes, and that the children of negroes and mulattoes shall derive no benefits from any of the Common Schools of the State. A provision similar to this was incorporated in the School law which passed last winter, but was omitted by an error of the enrolling clerk.

It is certainly unjust to levy a tax upon any portion of the inhabitants of the State for any purpose, when social sentiment would debar those thus taxed from deriving any of the benefits arising therefrom. In drawing a distinction then between the whites and blacks, the committee are clearly of the opinion that it is even better for the weaker party that no privilege should be extended to them, the tendency of which might be to induce the vain belief that the prejudices of the dominant race could ever be so mollified as to break down the rugged barriers that must forever exist between their social relations.

At the same time that the committee entertain these opinions, they would be far from recommending any measure with a view to the further degradation of the negro, under the fallacious pretense of thus promoting the cause of colonization. Such a procedure would be cruel and disgraceful. The more you degrade the negro, the more you increase his superstition, and the greater is the impossibility of inducing him to leave the country of his birth; while on the other hand, the more you elevate him in the scale of being the keener is his sense of his own degradation,

and the greater his anxiety to seek another country where with the spirit of a man he may breathe the fresh air of social as well as political liberty.

With these sentiments, the committee were inclined to report provisions for the establishment of schools for the education of the negro children of the State; and had it proved expedient would have done so, but for the fact that a resolution instructing them to this effect was a short time since overwhelmingly voted down by this House.

Sections 2, 3 and 4 amend sections 12, 14 and 15 of the school law only so far as to provide that the enumerations of children for school purposes be made between the ages of five and twenty-one years, instead of between seven and seventeen years.

Section 5 amends section 69 of the school law, and provides for allowing the county auditor three per cent. on all receipts and disbursements of interest instead of two and one-half per cent., and the whole of the damages accruing upon sales for the non-payment of loans, instead of the one half of such damages. It allows the county treasurer two per cent. on all receipts and disbursements of interest, instead of two and one-half per cent., and gives him none of the damages accruing upon sales for the non-payment of loans, the one-half of which he heretofore received.

Hence it will be seen that without distracting a larger amount of money from the school fund for the payment of officers than is provided for already, the fees of the auditor are increased, while, however, those of the treasurer are diminished. The duties of the county auditor in the management of the school fund are much more responsible and onerous than those of the treasurer; yet the latter receives on the collection of the school tax, his regular per centum, which is an amount over and above his fees as prescribed in the school law, which fees are the same as those allowed the auditor. It is on this account that the committee have made the alteration designated.

A question arose with the committee as to whether the compensation allowed the county Auditor and treasurer should not be increased. Under the old school law these officers received for the management of the school fund each one-half of one per cent. on the principal at interest, which is equivalent to fifty cents on every one hundred dollars. They are now entitled to two and one-half per cent. on all receipts and disbursements of interest, which amounts to but little more than one-third of one per cent. on the principal. They, therefore now receive each thirty-five cents, where under the old law they received fifty cents.

Although the committee are positive that the auditor should receive more for his service than the treasurer, they are not certain that at present it is policy to divert, in the form of fees, a larger amount from the school fund than is provided for by law.

Section 6 amends section 85 of the school law, and provides

that school examiners shall be appointed by the county commissioners in each county respectively, instead of by the State Superintendent of Public Instruction. It provides that three examiners may be appointed in each county, instead of one only, and goes on to enumerate the duties of such examiners, the prominent feature of which is the discretionary authority given the examiner, allowing him to make the duration of a license issued, three, six, twelve, eighteen, or twenty-four months.

It is not unfrequently the case in sparsely settled counties that great difficulty occurs in procuring properly qualified teachers, and in such an event it is often imperative upon examiners to license a teacher for a short time, to meet an emergency, whose qualifications entitle him, in fact, to no patronage whatever.

It is hoped that the unexampled and electric progress that has marked every western development will soon do away with this necessity, even in our younger and feebler counties.

Section 7 makes it the duty of school examiners to specify in such license issued the branches which the applicant may be qualified to teach. The certificate thus issued is a testimonial of the exact extent of the qualifications of the licensee, the effect of which will be to give the better educated teacher a preference over those of more limited literary qualifications. This section presents the new feature of allowing the examiners an advance fee for services. The present law provides no compensation to such officers, and consequently very few have been found who would accept the position.

It was thought that the examiner should be paid for his services out of the school fund, lest he should be prejudiced to issue licenses regardless of qualifications, on account of the expected fee. The committee, however, finally came to the conclusion that examinations should be paid for by the individuals asking such examinations, and in order to preclude the issuing of illegitimate licenses, it is provided that an advance fee may be required for examinations, but that all licenses shall issue free of charge.

Section 8 empowers the State Superintendent of Public Instruction to license teachers and charge the prescribed fee for examinations. The committee were of opinion that he should be allowed a fee for this service, to prevent his being overrun by applicants for license, who would seek his examination to avoid payment of a fee to the regular examiners.

Section 9 prescribes the standard of qualifications below which no individual shall receive a license to teach a common school.

Section 10 provides that where lands have been vested unconditionally in the school fund, and the houses upon such lands are no longer needed, others being required in another locality, but perhaps for the use of the same persons, the same may be sold under the direction of the majority of the voters of the township.

Section 11 is the embodiment of a Senate bill referred to the

committee on Education, and which has in view the correction of errors made by county auditors in the sale of school lands. It is very necessary, and should by all means be adopted.

Sections 12 and 13 require the State Superintendent to furnish each common school library with certain books. The township libraries are designed as much for the adults of our State as for the children, and it has occurred to the committee that an opportunity is offered now, never before presented, to give all of our citizens a knowledge of our laws and the operation of the executive, administrative and legislative departments of our State, something that has long been desired but never effected.

Under the present law, the State Superintendent of Public Instruction may select such books as in his judgment would interest and improve the reader. The committee are of opinion that the books designated in section 12, would induce as much benefit as any that the Superintendent could select.

In submitting this bill, the committee do not flatter themselves with the belief that it will meet and conciliate the conflicting views that may be entertained by members of this House. They console themselves however, in the reflection, that their action has been true to the trust confided in them, and is the result of mature consideration. With an eye single to the best interests of the State, and with the education of her children closely at heart, the committee feel that they could render no greater service to the public, than by exerting their influence in carrying out and perfecting that great and general system of education, which was established by our last winter's legislature. How muchsoever local feeling and local interest might incline some to oppose certain features of this system, yet as true friends of education, they should sacrifice such feelings and such interests upon the altar "of the public good and the general welfare." The committee believe that a foundation is laid in the present law, the superstructure of which will place a thorough education within the reach of every child in the State.

Unlike other works, it may be rejected before its virtues are known, yet it may be the key to the tabernacle, and though cast away among the rubbish, will yet be sought and found and used. Under the influence of this system, the native mind like the rough block of marble in the hands of the artizan may be polished into living brightness. Extending its advantages to all alike, others than the child of fortune—the orphan boy, whose support rests in his own right arm—the hardy, bold back woodsman, with his native strength of character, may all find within their reach the means of intellectual and social elevation; may all assert an independent and a noble manhood. Our State rejoices in the hardy vigor of early youth. She stretches her arms from the great Lakes to the Ohio river, and grasps within their fold a myriad of hidden riches. In the development of her resources, let us

not forget that she should have a moral as well as a physical strength; that she has other soils to cultivate and other jewels to embellish, and that they are the immortal minds of her children.

No. 180. A bill amendatory of, and supplemental to, an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1853;

Which was read a first time and passed to a second reading.

Mr. Ryan, from the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to whom was referred resolution No. 38, as to the expediency of consolidating the road laws of this State, and having them published in pamphlet form, have had the same under consideration, and have desired me to report the following bill, and recommend its passage.

No. 181. A bill to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same, in pamphlet form;

Was read a first time and passed to a second reading.

Mr. Gootee, chairman of the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to whom was referred petitions of the citizens of the counties of Warrick and Spencer, relative to locating a road therein named, have had the same under consideration, and have directed me to make the following report: That it is inexpedient to pass any local or special laws for opening or laying out highways. We would further remark that the first volume of the Revised Statutes of 1852 lays down the plan by which highways may be located or established, which, when complied with, will reach the object of the petitioners. The committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Able, from the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to whom was referred resolution No. 20, requesting said committee to inquire into the expediency of making provisions by law for individuals to change highways through their

own lands, and to authorize county boards to erect swinging gates, &c., have had the same under consideration, and said committee have unanimously directed me to report the same back as being inexpedient, and request the indefinite postponement of the same.

Which was concurred in.

Mr. Taber, from the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to which was referred resolution No. 19, requiring said committee to inquire into the expediency of exempting preachers from working on roads, have had the same under consideration, and directed me to report that, in the opinion of said committee, it is inexpedient to legislate further on the subject, and respectfully ask to be discharged from any further consideration thereof.

Which was concurred in.

Mr. Henton, from the committee on Canals and Internal Improvements, made the following report:

**MR. SPEAKER:**

The committee on Canals and Internal Improvements, to whom was referred the resolution making inquiry relative to the propriety of requiring drawbridge companies in this State to keep a light at each side of their pass at nights, during the season of their navigation, have had the same under consideration, and a majority of whom have directed me to report

No. 182. A bill requiring drawbridge companies to keep lights at night;

Which was read a first time and passed to a second reading.

Mr. Donald, from the committee on Canals and Internal Improvements, made the following report:

**MR. SPEAKER:**

The committee on Canals and Internal Improvements, to whom was referred a resolution of the House instructing them to inquire into the expediency of incorporating canal companies, have had the same under consideration, and have directed me to report that, in the opinion of your committee, it is inexpedient to legislate on the subject, and desire to be discharged from the further consideration thereof.

Which was concurred in.

Mr. McClure, chairman of the committee on Corporations, made the following report:



**MR. SPEAKER:**

The committee on Corporations, to whom was referred resolution No. 11, instructing said committee to inquire into the expediency of amending section 32, chapter 6 of Revised Statutes so as to compel railroad, plank road, turnpike road, telegraph and bridge companies to pay their taxes in the several county treasuries in which said work is constructed, have had the same under consideration, and have directed me to report it back and recommend its reference to the committee on Ways and Means.

The report was concurred in, and the resolution referred to the committee on Ways and Means.

Mr. Hunt, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred House bill No. 154, have had the same under consideration, and have directed me to report it back to the House and recommend its passage, with section three stricken out.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Tanner from the committee on Benevolent and Scientific institutions, made the following report:

**MR. SPEAKER:**

The committee on Scientific and Benevolent Institutions to whom was referred a resolution relative to the salary of circuit prosecuting attorneys, have had the same under consideration, and have instructed me to report the same back, and recommend that it be referred to the committee on Ways and Means, and with an acknowledgment of the wit of the gentleman who moved its reference, the committee beg to be discharged from further consideration thereof.

When,

On motion by Mr. McDonald of Lake,

The resolution was laid on the table.

Mr. Dufour from the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to which was referred two resolutions of the House, directing them to inquire into the expediency of furnishing the Deaf and Dumb Asylum with



a sort of type, and press, for the education of the deaf and dumb in the art of printing, and for furnishing said institution with the necessary appurtenances for carry on the different arts, to enable them to qualify themselves for the duties of life, have had the same under consideration, and respectfully report the same back and recommend their reference to the committee on Ways and Means, in whose hands the general report of this committee now is, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Bridges chairman of the committee on Manufactures and Commerce, made the following report:

**MR. SPEAKER:**

The committee on Manufactures and Commerce, to whom instructions were given, to inquire whether the bridges across the Wabash river obstructed the navigation thereof, have had the same under consideration, and have instructed me to report

No. 183. A bill in relation to the construction of bridges over navigable streams, and prescribing the penalty for a violation of the provisions herein set fourth.

Which was read a first time and passed to a second reading.

Mr. Read from a select committee made the following report:

**MR. SPEAKER:**

The select committee on the part of the House, to whom was referred the memorial of J. W. Cummins, relative to a re-adjustment of the "three per cent fund;" also, Senate bill No. 42, and also a message of his Excellency, the Governor, on the same subject, have, in connection with the committee on the part of the Senate, had those matters under consideration, and have directed me to make the following report:

That it is impossible, without examination of the records in the proper offices of the general government, to ascertain whether the State of Indiana is, or is not, entitled to money growing out of the "three per cent. fund," beyond that already audited and passed to her credit.

That from the 1st day of December, 1816, until the 3d day of March, 1819, a period of about two years and three months—lands upon which the three per cent. grant was chargeable, were sold at local land offices without the limits of the State. These offices were situate at Cincinnati, Chillicothe, Detroit and Kaskaskia. That prior to the 1st of December, 1816, a land office had been established at Vincennes—that on the 3d of March, 1819, an act of Congress was passed establishing several land offices within the State, viz., at Jeffersonville, Brookville and Terre Haute, at which offices, and at others subsequently created, all, or nearly all the lands situate within this State, and that were sold since March, 1819, were entered.

It would seem that this "three per cent." has been audited and paid over, or passed to the credit of Indiana, on all lands within the State, sold since March 3, 1819, and also on all lands entered at the Cincinnati land office, prior to that time and subsequent to 1st of December, 1816; also, on all lands entered at the Vincennes land office since 1st December, 1816. But whether it was so audited and passed to the credit of the State, on lands sold at the other land offices, during that period, your committee cannot from the evidence at their command ascertain. The certainty in regard to that, can be ascertained only upon a laborious examination of the proper records at Washington city.

The facts referred to in the message of his Excellency, the Governor, which was referred to your committee—though applicable to the resolution in compliance with which they were given—have, in the opinion of your committee nothing to do with the matters contemplated in the bill. It is well known that there is a large amount of money arising from the "three per cent. fund" passed to the credit of the State; but the payment of which is withheld on account of certain bonds of the State held by the general government. But as to all this fund, which is already audited and passed to the credit of the State, the proposed agent would have nothing to do. That would be a duty strictly and properly appertaining to the appropriate administrative officer of the State. But the only trust with which it is proposed to invest the agent contemplated in the bill, is to re-examine the records and ascertain whether there may not have been lands sold within the limits of the State, that have been overlooked in auditing this fund, and upon the net proceeds of which this three per cent. has not been either paid or passed to the credit of the State.

The inquiry narrows down to this—were the lands entered between Dec 1, 1816, and March 3, 1819 at Kaskaskia, Detroit and Chillicothe taken into account in computing this fund? If not, what would be the probable amount of that fund from that source? When we consider the early period to which this inquiry relates—1816 to 1819—that a great portion of the State was still a wilderness upon which the Indian titles were not extinguished, and that was not in market, and that the period referred to embraced but two years and three months, and when we consider that most of the early settlements of the State were made within the limits of the office of Vincennes and Cincinnati, and that the lands sold at these offices were taken into the computation and three per cent. on their proceeds already passed to the credit of the State; it is evident that the State cannot obtain any very great increase to this fund from the proposed readjustment.

They think however that there is sufficient inducements to justify an investigation into it, if the same can be done on reasonable terms.

Your committee would represent that the Senate bill on that subject fully embodies the recommendations they would have made, and

they therefore respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

When,

On motion by Mr. Manville,

The Senate bill contained in the report, was laid on the table.

Mr. Orr, from the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township business to whom was referred bill of the house No. 141, entitled an act to require the board of county commissioners to furnish safes for the use of the clerks of the circuit and common pleas courts of their respective counties, have had the same under consideration, and have directed me to report it inexpedient to legislate on the subject, and therefore recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

Mr. Dufour, from the committee on County and Township business, made the following report:

**MR. SPEAKER:**

The committee on County and Township Business, to which was referred a resolution of the House directing inquiry to be made into the expediency of reporting a bill, providing for an appeal from the decision of the township trustees, to the circuit courts, common pleas courts, or county commissioners' courts, have had the same under consideration, and instructed me to report; that if a law of this kind should be enacted it would open the door for useless litigation in many instances. As the township trustees can sue and be sued in their corporate capacity, the committee think that any one feeling aggrieved at the decision of the trustees, could have an action against them in any court having competent jurisdiction. They, therefore, respectfully suggest that there is no necessity for a law of the kind contemplated by the resolution, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Service, from the committee on County and Township Business, made the following report:

**MR. SPEAKER:**

The committee on County and Township Business, to which was

referred House bill No. 143, an act to extend the distribution of the laws of Indiana to coroners and constables, have had the same under consideration, and directed me to report; that the number required for such distribution would be greater than the number of copies allowed to each county, by the present law; and, therefore, the committee recommend the indefinite postponement of said bill, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

By unanimous consent,

Mr. Moss, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The joint select committee on the part of the House, to whom was referred joint resolution of the House No. 23, in respect to the three per cent fund due this State from the general government, have had the same under consideration, and have instructed me to report it back to the House, and to recommend its indefinite postponement.

The report was concurred in, and the joint resolution indefinitely postponed.

#### RESOLUTIONS.

On motion by Mr. Lowe,

*Resolved*, That the principal clerk of this House be required to make out a complete synopsis of all the acts and joint resolutions, passed at the present session of the General Assembly, and report the same to this House just before the close of the session.

On motion by Mr. Orr,

*Resolved*, That the committee on County and Township Business inquire into the expediency of allowing the supervisors in the several road districts in this State, to apply a sufficient amount of road funds that may come into his hand in purchasing suitable implements to improve the roads in their several districts, and report to this House by bill or otherwise.

Mr. Buell offered the following resolution:

*Resolved*, That the doorkeeper be, and he is hereby directed to furnish each of the State Officers with a copy of every bill, report, and other document printed by order of the House.

Which was not adopted.

On motion by Mr. Price,

*Resolved*, That the Rev. J. A. McClung be allowed the use of this

Hall on Tuesday evening next, for the purpose of delivering a lecture on the subject of temperance to the members of the General Assembly.

Mr. Druley offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to report their opinions in regard to the constitutionality of consolidating the congressional township school fund instanter.

Which was not adopted.

On motion by Mr. Thomas,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the expediency of providing by law for the readmission of incurable cases of insanity into the Indiana Insane Asylum, where such cases are dangerous to the community.

Mr. Seawright offered the following resolution:

*Resolved*, That this House will remain in session each day until the files are cleared, unless two-thirds of the members shall otherwise determine.

Which was not adopted.

Mr. Cooper offered the following resolution:

*Resolved*, That the Judiciary committee inquire into the expediency of giving the circuit court judges the power of condensing the time now allotted to them in the various counties of their circuits, so that they may hold courts no longer than is necessary to get through with the business.

Which was not adopted.

Mr. Laird offered the following resolution:

*Resolved*, That hereafter the House will hold night sessions, commencing at 7 o'clock in the evening; said night sessions to commence this evening.

Which was not adopted.

On motion by Mr. Farnsley,

*Resolved*, That this House meet hereafter at half past 8 o'clock, the remainder of the present session.

Mr. Lines, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the accompanying enrolled bill of the House No. 37, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Pratt offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to report to this House a bill re-establishing the rights of a widow to the real estate of her husband dying intestate, as the same stood under the laws now in force, prior to the enactment of an act approved May 14th, 1852, entitled "an act regulating descents, and the apportionment of estates," and re-establishing tenancies by the courtesy and in dower, and repealing so much of the above entitled act, as conflicts with such prior laws, except sections 19, 20 and 21, and except sections 25 and 26, which shall be so modified that one-third of the real estate shall go to the widow in fee simple.

Mr. Simpson moved to amend by striking out the following words, to-wit:

"One-third of the real estate in fee simple," and insert the following words, to-wit: "The widow shall hold a dower on one-half of the real estate, during her natural life."

Pending which,

On motion by Mr. Torbet,

The House adjourned.

2 o'clock, P. M.

House met.

The question pending at last adjournment, was the adoption of the amendment offered by Mr. Simpson.

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Taber.

*Those who voted in the affirmative were,*

Messrs. Brecount, Catlin, Dufour, Durham, Dyer, Emery, Farnsley, Ferris, Eerguson, Fleming, Freeland, Gentry, Greene, Hammond, Handy, Henry, Hooper, Howell, Jennings, Jones of Jennings, Jones of Ripley, Lemmon, Lines, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Richardson, Rockafellar, Ryan, Shelby, Shoemaker, Simpson, Spencer, Turpie, Underwood, Walker of Rush and Wilson—40.

*Those who voted in the negative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Goodman, Gootee, Graham, Harris, Hartley, Hendricks, Henton, Hicks Hunt, Johnson, Jones of Boone, Laird, Lasselle, Lewis, Lowe, Manville, McClure, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Scott, Seawright, Service, Shuman, Stackhouse, Stephens, Struble, Sutton, Taber, Tanner, Thomas, Walker of Laporte, Work and Yount—54.

So the amendment was not adopted.

The question then recurring on the adoption of the original resolution.

And being put,

The ayes and noes were demanded by Messrs. Buell and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brown, Bundy, Burnett, Catlin, Chapin, Cooper, Donald, Druley, Dunlavey, Durham, Dyer, Ferris, Ferguson, Fleming, Goodman, Graham, Greene, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, McClure, McDonnall of Sullivan, McKee, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Rockafellar, Scott, Service, Shelby, Shuman, Simpson, Stackhouse, Stephens, Struble, Taber, Thomas, Turpie, Walker of Rush, Wilson, Yount and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Buell, Clark, Dodd, Donelson, Dufour, Emery, Farnsley, Freeland, Gentry, Gootee, Hammond, Henry, Henton, Hooper, Jones of Jennings, Manville, McDonald of Lake, McKinney, Milroy, Richardson, Ryan, Serwright, Shoemaker, Spencer, Sutton, Tanner, Walker of Laporte, and Work—30.

So the resolution was adopted.

#### ORDERS OF THE DAY.

*House bills on second reading.*

No. 167. A bill providing for the admission of certain classes of insane persons, into the Indiana Hospital for the Insane.

Was read a second time; when,

On motion by Mr. Dufour,

The bill was referred to the committee on Benevolent and Scientific Institutions.

No. 168. A bill in relation to the salary of the Superintendent of the Indiana Institute for the Blind.

Was read a second time; when,

On motion by Mr. Johnson,

The bill was laid on the table.

No. 169. A bill supplemental to an act entitled, "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," this act to regulate the title of all those who purchased swamp land of the United States, after the date of the donation, and before the selection of the swamp lands, and to enable purchasers to purchase forty acre tracts, and to grant pre-emptions in certain cases to occupiers of the swamp lands.

Was read by its title; and,

On motion by Mr. Graham,

Referred to the committee on Swamp Lands.

No. 170. A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased.

Was read a second time; when,

On motion by Mr. Howell,

The bill was referred to the committee on the Judiciary.

No. 171. A bill supplemental to an act entitled, "an act concerning real property, and the alienation thereof," approved May 6, 1852.

Was read a second time; when,

On motion by Mr. Hendricks,

The bill was referred to the committee on the Judiciary.

No. 172. A bill providing for the exemption from taxation of the real and personal property of Masonic and Odd Fellows lodges, to the same extent provided by law in favor of literary, benevolent, charitable, and scientific institutions.

Was read a second time; when,

On motion by Mr. Dodd,

The bill was referred to the committee on the Judiciary.

No. 173. A bill to repeal part of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Was read a second time, when,

On motion by Mr. Lines,

The bill was referred to the committee on the Judiciary.



## HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 28. A joint resolution in relation to Mr. J. S. Brown, late superintendent of the Institution for the Education of the Deaf and Dumb in the State of Indiana.

Was read a second time, when,

On motion by Mr. McDonald of Lake,

The joint resolution was laid on the table.

## HOUSE BILLS ON THIRD READING.

No. 126. A bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association in lieu of their original articles of association, and legalizing the action of such corporations in that respect, where such certified copy has been heretofore so filed in lieu of the original articles and prescribing the effect of such copy.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dunlavy, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Graham, Greene, Hammond, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Ballard and Freeland—2.

So the bill passed.

On motion by Mr. Pratt,

The title of the bill was amended by striking out the word "certified."

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. McDonald of Lake,

The order of business was suspended, and the following message from the Senate was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 109. A bill authorizing railroad companies to change their names.

In which the concurrence of the House is respectfully requested.

Bill No. 109, contained in the foregoing message was read a first time.

Mr. Fleming moved to suspend the rule, and read the bill by its title a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Struble, Taber, Tanner, Turpie, Underwood, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—89.

No person voting in the negative.

So the rule was suspended and the bill read a second time.

When,

On motion by Mr. Pratt,

The bill was referred to a select committee consisting of Messrs. Pratt, Fleming and Ferris.

No. 131. A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—89.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 109. A bill to amend an act entitled an act to incorporate the Cannelton steam mill and manufacturing company, approved Feb. 16, 1848, changed to the name of the Troy manufacturing company by an act approved Jan. 15, 1849, to enable said company to increase its capital stock to \$200,000, and to hold real estate to the amount of \$50,000, and to manufacture cotton.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Work—84.

*Those who voted in the negative were,*

Messrs. Jones of Boone and Mr. Speaker—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, with an engrossed amendment :

No. 25. An act to provide for the enumeration of all the white male inhabitants over the age of twenty-one years in the State of Indiana in the year 1853.

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to House bill No. 25, contained in the foregoing message, was concurred in by the House.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof :

No. 95. A bill fixing the salary of the private secretary of the Governor.

No. 99. A bill giving the court of common pleas jurisdiction to hear and determine applications for divorce.

In which the concurrence of the House is respectfully requested.

Bills Nos. 95 and 99, contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof :

No. 72. An act requiring county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

No. 89. An act to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.

No. 96. An act amendatory and supplemental to an act entitled "an act to incorporate the Indiana cotton mills," approved February 15, 1848.

No. 64. A bill providing for the asserting of the rights of the State to escheated estates, and regulating the sale thereof.

In which the concurrence of the House is respectfully requested.

Bills Nos. 72, 89, 96 and 64, contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 73. A bill to amend the 17th section of an act entitled "an act prescribing who may make a will, and the effect thereof; what may be devised; regulating the revocation, admission to probate, and contest thereof.

No. 82. A bill to amend the 4th, 5th, 27th, 37th, 47th, 49th, 53d, 58th, 67th, 81st, 540th and 799th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining the duties and fixing the compensation of such master commissioners.

In which the concurrence of the House is respectfully requested.

Bills Nos. 73, 82 and 83, contained in the foregoing message, were read a first time and passed to a second reading.

By unanimous consent,

Mr. Hamrick obtained leave and presented a remonstrance from 700 citizens of Switzerland county, against the removal of the county seat of said county.

Which was referred to the committee heretofore appointed on that subject.

By unanimous consent,

Mr. Milroy obtained leave and introduced

No. 184. A bill to amend an act entitled "an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14, 1852;

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Henton obtained leave and introduced

No. 185. A bill to authorize turnpike, McAdamized and plank road companies to erect toll gates at distances not less than two miles apart, and to receive tolls thereat.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Turpie obtained leave and introduced

No. 186. A bill to prescribe the manner in which school lands holden by certificate of purchase, and not paid out, shall be listed for taxation.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Chapin obtained leave and introduced

No. 187. A bill to authorize clerks of circuit courts and common pleas courts to administer oaths in business pertaining to said courts, and all other oaths required under the laws of the State of Indiana.

Which was read a first time and passed to its second reading.

Mr. McDonald of Lake moved that the House adjourn;

Which motion did not prevail.

By unanimous consent,

Mr. Price obtained leave and introduced

No. 188. A bill providing for the sale of the south-west quarter of square number twenty-five (25,) in the city of Indianapolis, on which there is a lease to the trustees of the Marion county Seminary yet unexpired of ten years.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Scott obtained leave and introduced

No. 189. A bill concerning defective records.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Buell obtained leave and introduced

No. 190. A bill amendatory to Chapter IV of the Code of Civil Practice.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Dufour obtained leave and introduced

No. 191. A bill to amend section thirty-four (34) and thirty-five (35) of chapter one hundred and eight (108) of the Revised Statutes of Indiana of 1852.

Which was read a first time and passed to a second reading.

Mr. Milroy moved that the House adjourn.

Mr. Brown moved to amend by adjourning until this evening at 7 o'clock;

Which was not agreed to.

The question then recurring on Mr. Milroy's motion,  
It did not prevail.

By unanimous consent,

Mr. Ferris obtained leave and introduced

No. 192. A bill authorizing the Governor to sell, at public auction, the State's interest in the White Water Valley Canal.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Bridges obtained leave and introduced

No. 193. A bill authorizing the Secretary of State to collect and publish all laws remaining in force and not included in the Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Struble obtained leave and introduced

No. 194. A bill for the distribution of the Statutes of 1852.

Which was read a first time and passed to a second reading.

Mr. Freeland moved that the House adjourn.

Which motion did not prevail.

By unanimous consent,

Mr. McDonald of Lake obtained leave and offered the following resolution:

*Resolved*, That no new business be introduced in this House until it has disposed of the business on hand, as an emergency exists.

Which was not adopted.

By unanimous consent,

Mr. Chapin obtained leave and introduced

No. 195. A bill to repeal an act entitled "an act to regulate the sale of spiritous liquors in the county of Tippecanoe, approved February 13, 1851.

Which was read a first time and passed to a second reading.

Mr. Hooper, from the joint committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The joint committee on Enrolled Bills presented to his excellency, the Governor, for his approval on February 19th, enrolled bills of the House Nos. 47 and 101.

Mr. Chapin, from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills presented to his Excellency, the Governor, for his approval on February 21st, enrolled bill of the House No. 37.

On motion by Mr. Jones of Jennings,  
The House adjourned.

TUESDAY MORNING, 8½ o'clock, }  
February 22, 1853. }

The House met pursuant to adjournment.

The Clerk proceeded to read the Journal of yesterday.

When,

On motion by Mr. Graham,  
The further reading was dispensed with.

**PETITIONS, MEMORIALS, &C., PRESENTED.**

By Mr. Ferris:

Two petitions from sundry citizens of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Handy:

A petition from sundry citizens of Marion and Hancock counties, on the subject of draining the ditches along the line of the Central plank road east of Indianapolis;

Which was referred to the committee on the Rights and Privileges of the inhabitants of the State.

By Mr. Sutton:

Sixteen petitions from sundry citizens of the State of Indiana on the subject of temperance;

Which were referred to the committee on Temperance.

By Mr. Howell:

Two petitions from sundry citizens of the State of Indiana on the subject of temperance;

Which were referred to the committee on Temperance.



## REPORTS FROM COMMITTEES.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred Senate bill No. 67, have directed me to report it back to the House, with the following amendments, upon the adoption of which they would respectfully recommend its passage.

Amend the 3d section of said bill by adding thereto the following, viz:

*Provided*, a witness shall not be obliged to attend before a justice of the peace out of the county where he resides, unless his legal fees for travelling to and from the office of such justice of the peace, and one day's attendance are paid before or at the time of the service of the subpœna: *And provided further*, that at the commencement of each day after the first day, a witness attending a trial out of the county in which he resides, shall be entitled to demand and receive the legal fees for that day in advance, and if not thus paid he shall not be compelled to attend or remain as a witness.

The amendments were adopted and the bill ordered to a third reading.

Mr. Moss, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred house bill No. 151, have directed me to report the same back to the house with a recommendation that it be indefinitely postponed.

When,

On motion by Mr. Spencer,

The report and bill were laid on the table.

On motion by Mr. Seawright,

Leave of absence was granted to Mr. Emery.

Mr. Hamrick from the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education to whom was referred a resolution of the house directing them to inquire into the expediency of selling the lands belonging to the surplus revenue fund, have had the same under consideration and have directed me to report that the sale of

said lands is already provided for by law; your committee therefore deem further legislation unnecessary, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Pratt, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred a petition of certain citizens of Bloomington, for a repeal of the town charter thereof, and all acts of the General Assembly in relation thereto, together with a remonstrance against granting the passage of the petition, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on the premises, as the general law for the incorporation of towns is amply sufficient to meet the wants of the petitioners, wherefore they recommend that the petition and remonstrance which they herewith report back, be laid on the table, and they ask that they be discharged from the further consideration of the subject.

Which was concurred in.

On motion by Mr. Gentry,

Leave was granted to withdraw from the files the petition and remonstrance contained in the foregoing report.

Mr. Stackhouse from the committee on Public Expenditures made the following report:

**MR. SPEAKER:**

The committee on Public Expenditures, to whom was referred a resolution of the House instructing them to inquire into the expediency of so amending the law in relation to fencing the Tippecanoe battle ground so as to authorize the commissioners to fence the same with iron or stone, have had the same under consideration, and have directed me to report that it is inexpedient to legislate further on that subject at this time, there now being a law upon our statute books authorizing that ground to be fenced with a substantial wood fence. But your committee would beg leave to submit the following as the probable cost of an iron and stone fence, for the consideration of the House:

The length of the fence proposed to be made is 2,608 feet,	
measuring 1 foot thick, 3 feet high, making 290 cubic	
yards, at \$5 per yard.....	\$1,450 00
2,608 feet iron railing, at \$1 40 per foot.....	3,651 60
15,000 lbs. iron posts, at 5½ cents per pound.....	825 00
Transportation of railing, &c.....	100 00
Expenses of putting up iron fence.....	150 00

Add 10 per cent. for contingencies .....	617 66
Add to pay agent .....	205 00
	<hr/>
Total .....	\$7,000 00

All of which is respectfully submitted; and your committee ask to be discharged from the further consideration of the subject.

On motion by Mr. Cooper,  
The report was laid on the table.

Mr. Hamrick, from the committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

The committee on Scientific and Benevolent Institutions, to whom was referred resolution of the House directing them to inquire into the expediency of employing female teachers in the institutions of the Deaf and Dumb and Blind, have had the same under consideration, and have directed me to report that, in the opinion of your committee, the employment of male or female teachers should be left, as it now is, in the hands of the board of trustees. The committee therefore deem further legislation unnecessary, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Moss, from the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts of Justice, to whom was referred House bill No. 166, have instructed me to report the same back to the House with the following amendments, upon the adoption of which, they would respectfully recommend its passage.

Strike out all after the enacting clause, and insert the following, to-wit:

That sections 13 and 20 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, be and the same is hereby repealed.

SEC. 2. The 22d section of said act is hereby amended to read as follows, to-wit: Any person aggrieved by any order, sentence, judgment or denial of any court of common pleas, may, at his election, for the purpose of correcting any error therein, take the same to the circuit court of the county within——

SEC. 3. The 40th section of said act is hereby amended to read as follows, to-wit: The judge of such court of common pleas shall be prohibited from practicing law in any inferior court in this State from

which an appeal would lie to such court of common pleas, and for which such court of common pleas was held, in like manner, and subject to the same laws, rules and regulations by and under which judgments of the circuit court and court of common pleas may be taken to the supreme court by appeal. But when any such appeal shall be taken to or brought in the circuit court, and the judge of such court shall be disqualified from hearing and determining the same, the clerk of such circuit court shall certify the transcript of such cause to the supreme court, and such supreme court shall determine the same as if such appeal had in the first instance been taken to, or such writ of error had been originally brought in such supreme court.

The amendments were adopted, and the bill ordered to be engrossed.

Mr. Farnsley, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill 61, "an act to change the time of holding circuit courts in the second judicial circuit," have had the same under consideration, and have directed me to report the same with one amendment, after the adoption of which to recommend its passage.

Amend by striking out all of section 3 in the 4th line after the word "circuit," and insert the following in lieu thereof: "Said act to be in force from and after the 4th of July, 1853."

The amendment was adopted and the bill ordered to a third reading.

Mr. Pratt from a select committee made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 109, entitled "a bill authorizing railroad companies to change their names," have, according to order, had the same under consideration, and instructed me to report the same back to the House without amendment and recommend its passage.

The report was concurred in,

When,

On motion by Mr. Pratt,

The order of business was suspended, and the bill contained in the foregoing report, was taken from the files, and read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dun-

lavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Sutton, Taber, Thomas, Tanner, Underwood, Work, Yount and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Ballard and Turpie—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### RESOLUTIONS.

On motion by Mr. Seawright,

*Resolved*, That the committee on Benevolent and Scientific Institutions be authorized to inquire into the expediency of providing for lighting the deaf and dumb asylum with gas.

On motion by Mr. Lines,

*Resolved*, That this House meet each day during the present session at half after 1 o'clock in the afternoon, instead of 2 o'clock, P. M.

Mr. Laird offered the following resolution:

*Resolved*, That all bills and joint resolutions which have been read twice, and referred to a select or standing committee, and reported back by such committee with a recommendation of their passage, shall be read a third time, and put upon their passage on the same day they are so reported back.

Which was not adopted.

Mr. Graham offered the following resolution:

*Resolved*, That hereafter it shall be in order to offer resolutions on Saturdays only.

Which was not adopted.

Mr. Taber moved to reconsider the vote on Senate bill No. 31.

Mr. Druley moved to lay the motion to reconsider on the table.

Which was not agreed to.

The question then recurring on Mr. Taber's motion,

The ayes and noes were demanded by Messrs. Laird and Taber.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Catlin, Clark, Dodd, Dyer, Ferris, Greene, Hooper, Jones of Ripley, Laird, Lemmon, Lines, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Pratt, Price, Read, Richardson, Ryan, Scott, Service, Shelby, Sutton, Taber, Tanner, Walker of Rush, Yount and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Brothwell, Buell, Bundy, Burnett, Chapin, Cooper, Donald, Druley, Dufour, Dunlavey, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lewis, Martin, Maxfield, McClure, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, and Work—52.

So the vote was not reconsidered.

#### BILLS INTRODUCED.

Mr. Laird obtained leave and introduced,

No. 196. A bill to amend an act entitled, "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852.

Which was read a first time.

Mr. McDonald moved to reject the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Laird and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount Bridges, Brothwell, Brown, Buell, Chapin, Clark, Cooper, Dodd, Donald, Dufour, Dunlavey, Ferguson, Fleming, Freeland, Gentry, Graham, Hammond, Henry, Henton, Hooper, Howell, Hunt, Jennings, Jones of Boone, Lasselle, Manville, Martin, Maxfield, McDonald of Lake, Milroy, Moss, Pratt, Price, Ryan, Service, Shoemaker, Spencer, Stackhouse, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Work and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Able, Bundy, Burnett, Catlin, Druley, Dyer, Farnsley, Ferris, Goodman, Gootee, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shuman, Simpson, Stephens, Sutton, Taber, Walker of Rush, Wilson, and Yount—44.

So the bill was rejected.

By unanimous consent,

Mr. Price obtained leave and offered the following resolution:

*Resolved*, That the use of this House be tendered to the Rev. J. A. McClung on Wednesday next, instead of Tuesday.

Mr. Cooper obtained leave and introduced,

No. 197. A bill amendatory of an act entitled, "an act to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe Battle Ground," approved April 28, 1852.

Which was read a first time and passed to a second reading.

Mr. Brown obtained leave and introduced,

No. 198. A bill to re-attach certain territory heretofore attached to the county of Laporte, originally within the limits of the county of Starke, to said last named county.

Which was read a first time and passed to a second reading.

Mr. Freeland obtained leave and introduced,

No. 199. A bill to relocate the seat of justice of Pike county.

Which was read a first time and passed to a second reading.

Mr. Spencer obtained leave and introduced,

No. 200. A bill supplemental to an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Which was read a first time and passed to a second reading.

Mr. Cooper obtained leave and introduced,

No. 201. A bill supplemental to an act entitled, "an act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Read obtained leave and introduced

No. 202. A bill to amend section 1 of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies of mechanical, chemical and building purposes," approved May 20, 1852.

Which was read a first time and passed to a second reading.

Mr. Ferris obtained leave and introduced

No. 203. A bill to provide for the election of a physician to the

asylums for the blind and the deaf and dumb, fixing his compensation and defining his duties.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Walker of Laporte, chairman of the committee on Education, obtained leave and made the following report:

MR. SPEAKER:

The committee on Education, have had Senate bill No. 11, under consideration, and beg leave to report, that its provisions are incorporated in a bill now before this House: they therefore, recommend that bill No. 11 be laid upon the table.

Which was concurred in.

By unanimous consent,

Mr. Walker of Laporte, chairman of the committee on Education, obtained leave and made the following report:

MR. SPEAKER:

The committee on Education have had the accompanying resolutions under consideration, and beg leave to report, that the principles involved in said resolutions, have been incorporated in a bill presented to this House by order of the committee.

#### ORDERS OF THE DAY.

#### *House bills on second reading.*

No. 174. A bill to provide that the stocks of companies, corporations and bodies politic, organized under the laws of this State, whose principal office, or president is within the same, shall not be listed by persons holding the same for taxation, against them, in their individual capacity.

Was read a second time and ordered to be engrossed.

Mr. Turpie moved to reconsider the vote on House bill No. 127, a bill to repeal an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18, 1852, by which it was indefinitely postponed.

Mr. Torbet moved to lay the motion to reconsider on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Torbet and Orr.

*Those who voted in the affirmative were,*

Messrs. Able, Brown, Catlin, Chapin, Clark, Druley, Dufour,



Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Handy, Harris, Hendricks, Henton, Hunt, Jennings, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lines, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Read, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Simpson, Stephens, Sutton, Tanner, Turpie, Walker of Rush, Work, Yount and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brothwell, Bundy, Burnett, Cooper, Donelson, Dunlavey, Ferguson, Greene, Hammond, Hamrick, Hartley, Henry, Hicks, Hooper, Howell, Johnson, Jones of Jennings, Lewis, Manville, McClure, Milroy, Moss, Parker, Price, Ryan, Service, Shelby, Shuman, Spencer, Taber, Thomas, Underwood, Wilson, and Yount—36.

So the motion to reconsider was laid on the table.

No. 175. A bill to provide for the postponement of the Marion circuit court during a part of the session of the supreme court,  
Was read a second time and ordered to be engrossed.

No. 176. A bill to prevent the adulteration and the counterfeiting of ardent spirits, and frauds therein;

Was read a second time; when,

On motion by Mr. Hamrick,

The bill was referred to a select committee consisting of Messrs. Hamrick, Dodd and Bridges.

#### SENATE BILLS ON SECOND READING.

No. 66. A bill to enable turnpike companies heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters to complete their unfinished roads;

Was read a second time.

Mr. Seawright moved to amend as follows, viz:

Insert in the first section after the words "turnpike road," "plank, gravel and McAdamized roads."

Also, add the following:

SEC. —. Any corporation availing themselves of the provisions of this act shall not be entitled to receive or demand toll on such roads until they shall have completed four or more consecutive miles.

Mr. McClure moved to amend the amendment by striking out "four," and inserting in lieu thereof "two."

Which was not agreed to.

The question recurring on Mr. Seawright's first amendment, it was adopted.

Mr. Manville moved to amend the 2d amendment by striking out "four" and inserting in lieu thereof "three."

Which was not agreed to.

The question then recurring on Mr. Seawright's 2d amendment, it was adopted, and the bill ordered to a third reading.

On motion by Mr. Lines,

House bill No. 178, a bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, was taken from the table.

Mr. Lines offered the following amendment:

Amend by striking out the words "and bearing interest from date," in the 4th section, 5th line of said bill.

Which was adopted.

Mr. Moss offered the following amendment:

Amend the 7th line of the first section, by striking out the word "probate," and inserting in lieu thereof the words "common pleas."

Which was adopted.

Mr. Shelby offered the following amendment:

Amend fifth section so as to read as follows: whenever any person has a claim against the estate of any decedent, he shall present the same to the administrator or executor of the said estate who, if he is satisfied the same is just and unpaid, shall allow, and as soon as sufficient assets of the estate are deposited in his hands pay the same; which,

On motion by Mr. Hamrick,

Was laid on the table; when,

On motion by Mr. Spencer,

The bill was laid on the table.

On motion by Mr. Hamrick,

House bill No. 138, a bill to correct a misprint in the first volume of the Revised Statutes of 1852, was taken up; when,

On motion by Mr. Hamrick,

The bill was recommitted with the following instructins:

Strike out the words "two per cent.," in section 50, in the third line, and insert the words "five per cent." in section 60. Also, strike out the words "five per cent." as section 69 of the same act does, and insert the words "two per cent.," as provided in sec. 60.

Which was agreed to.

On motion by Mr. Ballard,

The House took up the following message from his Excellency, the Governor.

**MR. SPEAKER:**

I am directed by the Governor to return to the House of Representatives, bill No. 47, which originated in said body, with his message in relation thereto.

*Gentlemen of the House of Representatives:*

I return the bill of your House No. 47, entitled "an act to authorize the re-location of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county," without my approval, with a brief statement of the reasons which influenced me to withhold my signature.

This is a special law—it is a local law, designed to operate only in the county of Clay. It will not affect, or operate upon, the people of any other county; therefore, it is not uniform or general.

The 22d section of article 4 of the constitution, enumerates certain subjects upon which the General Assembly shall not pass local or special laws; and the 23d section of the same article, immediately following, provides as follows:

"In all cases enumerated in the preceding section, and *in all other cases* where a general law can be made *applicable*, all laws shall be general and of uniform operation throughout the State."

The question arises, what class of cases comes within the meaning of this section? It was evidently designed for some purpose. If it is not applicable to questions growing out of the location and re-location of county seats—if it was not intended to meet the numerous class of cases which necessarily arise in connection with county business, I am at a loss to determine the object in view by the framers of the constitution.

The position assumed, that the constitutional convention did not intend to embrace the removal of county seats in prohibitions on local legislation, because the subject is not among the enumerated cases, can only be maintained by further inferring that no meaning whatever was intended to be expressed by the 23d section. If it means anything at all, it can only be applied to cases not enumerated. The enumerated cases are prohibited in the 22d section; and if the assumption can be maintained that, because a subject is not prohibited by the special enumeration of the 22d section, it is therefore to be presumed to be without the meaning of the 23d section, it would be difficult to give any force, or affirm any meaning, to the latter section. If all subjects not enumerated in the 22d section are left open to special and local legislation, it is very clear that the 23d section would be alike without meaning or use in the constitution. If it is admitted that the 23d section is not a nullity, as the inference attempted to be drawn would make it, the whole question would seem to turn upon the meaning of the word "applicable." The word is defined by Webster—"that may be applied—fit to be applied." Can a general law be framed that "may be applied" to the removal of the county seat of Clay county? And has the Legislature the power to pass such a law? If these questions be answered in the affirmative, there can be, it seems, but one conclusion as to the constitutionality of the law

under consideration. It would be clearly within the prohibition of the 23d section.

The usual course by which county seats have been located and re-located heretofore, has been by designating by the Legislature certain named commissioners, who have been vested with power to make such location or re-location. In acting upon such questions, the General Assembly have always sought to be governed by the wishes of the people of the county, expressed by petition. These precedents would seem to point out the features of a general law.

*First.* That the will of a majority of the people of any county should be expressed by petition.

*Second.* When that will was expressed in favor of a re-location, that commissioners should be appointed:

And who, I would ask, so competent to select those commissioners as the people of the county interested? A general law that should provide that, on the petition of a majority of the voters of any county, the Governor, or other officer named, should order an election to be held for the purpose of electing a certain number of commissioners with certain restricted powers, as to the re-location of county seats, would, it is submitted, be "applicable" to every county in the State. In its application to Clay county, it would only differ from the local act under consideration in providing for an election by the people of the county; of the commissioners, instead of their appointment by the legislature. It will surely [not] be contended that this slight difference would make the general law inapplicable to Clay county. In this bill there is no provision by which the people of the county of Clay may, effectually express their sentiments or views as to the proper place for the location of their county seat. The power to determine this is given, absolutely, to the commissioners named. By the provisions of a general law, the people, in electing commissioners, might express their choice as to the place, and other incidents, of the location; and hence, a selection made under the provisions of a general law would be as likely to give satisfaction, as any that could be made by commissioners appointed by the legislature.

It may be said, and, indeed, has been, that for various reasons not necessary to be here stated, such a law is not likely to be enacted. Without expressing any opinion as to the question, I would ask if it is meant by this, to assert the principle, where the legislature refuses to pass a general law, local legislation would, for that reason, be legitimate? But it is contended that a general law, to be "applicable," must be "in consonance with the true interests of the people;" and the inference seemingly drawn from this assumed position is, that when the provisions of a particular law would be "in consonance with the true interests" of the people of one county, while they might affect adversely the interests of the people of other counties, that therefore, no general law could be made applicable; and, consequently, local legislation ought to be

resorted to. This is but saying, in other words, that, because a majority of the legislature may deem a general law inexpedient, and refuse to pass it, that the same law may be constitutionally enacted to be in force in a single county, the people of which considering it "in consonance with their interests."

There are but few general laws of the State that meet with universal approbation; and there are many of these that bear hardly upon the interests of certain sections. The mercantile counties demand a higher rate of interest to be allowed, and it is, possibly, to their advantage that it should be so. Agricultural counties find their true interest in keeping the rate of interest at the present standard. Would this diversity of interest authorize a different law for each county in the State? Or does it render the present general law inapplicable? It is true that the subject of interest is among the enumerated cases; but I submit the analogy, upon the supposition that the 23d section was the only one governing the example.

Among the enumerated subjects of the 23d section is "county business." Suppose it had not been so enumerated, would not the same argument have proved that, owing to the divers interests of the people of the several counties, no general law could be made "applicable" on that subject? But the prohibition, as to "county business," is made positive; and therefore we would have the Constitution requiring of the Legislature the passage of a general law upon the subject of "county business," where, according to the reasoning of some, the general law could not be made applicable.

The subject of "fees and salaries," among those enumerated, presents a still stronger case. The same rate of fees which makes an office lucrative in a large county, affords the most meagre compensation in one more sparsely populated. Shall we say, therefore, that a general law cannot be made applicable to the subject of "fees and salaries?"

But let us take a case not among the enumerated subjects. The people of the prairie counties of the north find it to their interest to prohibit the running at large of stock, during the months in which grain is in the field. Such a law enables them to dispense with fences, in a country where fences cannot be made without great expense. But, on the other hand, a large majority of the people of the State would find such a law not "in consonance with their interests." Has the Legislature the right to pass a local law on the subject? If they have, then the 23d section is, indeed, a nullity; and every subject not specially enumerated in the 22d section, is open to local legislation.

It is further said that the removal of a county seat, is a legislative act, when performed by the commissioners of the county. It is difficult to perceive why it is not equally a legislative act when executed by certain commissioners named in the law under consideration; and if the Legislature cannot delegate that power to the

county commissioners, such a delegation is equally void with respect to the commissioners named in the act referred to.

There is now pending before the House of Representatives a general law providing for the removal of county seats. It is presumed that, if such a law is enacted, it will be with all proper guards and checks, to prevent useless agitation of such questions, and to insure a faithful execution of the wishes of the people of each county, with regard to their county seats. Suppose that bill should become a law, will it not be applicable to the county of Clay? And will not its enactment be an unanswerable argument to prove the unconstitutionality of the local act under consideration? To admit that the act under consideration would be unconstitutional if the general bill should become a law, and yet contend that it would be valid in the absence of a general law, is to make the Constitution itself dependent for its meaning upon the action of the Legislature, and that, too, in the construction of the very section designed to limit and restrict legislative powers.

During the last session of the General Assembly, the court-house at Bowling Green, Clay county, was destroyed by fire, and all the public records. The Senate passed a special act for the purpose of re-instating the records, perpetuating testimony, &c. The House struck it out from the enacting clause, and inserted a general law to meet all such cases. The bill thus amended became a law, and is now in force. Subsequently, the court-house of Franklin county was destroyed, with its contents. Both of these cases have been promptly met and remedied, so far as I have heard, by the general law. We have thus been saved the expense and labor incident to special legislation; and a general law is provided, uniform in its operation, to meet all cases that may arise by the destruction of public records. Thus is furnished an illustration of the application of a general law to a case which was supposed to be relievable only by special legislation.

It will take time to perfect our laws. It is not the work of a day, or a year, to make a uniform code,—one that shall be adapted to all the wants and exigencies of a people who have lived for more than a third of a century under a system of local and special legislation. The great beauty of our new Constitution, however, is found in the fact that we now bring the ability, wants and energies of our people, all to bear, and to have their full force, in perfecting a uniform law for the people of the State.

If the General Assembly shall pass a general law on this subject, that does not protect the rights of the people of the different counties,—which does not give them a fair opportunity to have their will carried out in relation to county seats,—*time, as an element that enters into everything valuable*, will soon apply the remedy by general legislation. It is far better to suffer some temporary inconvenience, than to go back to that system of local and special legislation which had well nigh made our laws the mere local opinions

of the different townships and counties, in place of the combined wisdom of a great people. Our legislation will be more pure and elevated, when it is confined in its operation to laws that affect the whole people.

We have heretofore suffered in our finances and character, by local and special legislation. I had hoped that such a construction would be given to the Constitution as was, undoubtedly, intended by its framers, and as I think its spirit and words mean,—that, in the future, we should be able, at least, to present a code of uniform laws on the subject of *county business*.

We are, doubtless, departing from uniform and general laws in many cases; and it is possible that this is one where it is constitutional to do so. But I feel, on this occasion, after the hasty consideration given to the subject, that it is my imperative duty to ask the representatives of the people to reconsider this measure. In this determination I am greatly strengthened by the fact that at the first session of the General Assembly under the new Constitution, the Judiciary committees of both Houses, composed of the ablest men of the State, (many of whom were in the Convention that adopted the Constitution,) and the only Judiciary committee to whom this subject has been referred at this session, have all decided against the constitutionality of this bill.

The subject is most respectfully submitted to your reconsideration.

Feb. 22, 1853.

JOSEPH A. WRIGHT.

No. 47. A bill to authorize the re-location of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county.

Mr. McClure moved to lay the bill and message on the table, and print 200 copies of the message.

A division of the question being called,

The first question was, shall 200 copies be printed?

It was agreed to.

The question then being, shall the bill and message be laid on the table?

And being put,

It was agreed to.

Mr. Johnson moved to take the foregoing bill (No. 47) from the table;

Which motion did not prevail.

On motion by Mr. Chapin,

The order of business was suspended and Senate bill

No. 19. A bill for the better regulation of telegraph companies, and legalizing their former acts,

Was taken up.



On motion by Mr. Scott,

The bill was committed to the committee on Corporations with instructions to insert 4th section, and to add the following to it: *Provided*, that this section shall not be construed in such a manner as to prejudice the rights of citizens of this State, nor in such a manner as to allow such companies to institute any suit or suits against inhabitants of this State which they are not now allowed to institute by laws of this State.

No. 68. A bill to fix the price of the Indiana reports,  
Was read a second time, when,

On motion by Mr. Manville,

The bill was referred to the committee on the Judiciary.

No. 20. A bill to amend sections 20, 24, 31 and 32 of an act entitled an act to provide for the opening, vacation and change of highways, approved June 17, 1852,

Was read a second time.

Mr. Seawright moved to amend the bill as follows:

Strike out sections three and four, and amend the title accordingly.

When,

On motion by Mr. Hamrick,

The bill and pending amendment were referred to the committee on Roads.

No. 70. A bill relative to loaning the common school fund,  
Was read by its title, and,

On motion by Mr. Gentry,

Referred to the committee on Education.

#### HOUSE BILLS ON ENGROSSMENT.

No. 54. A bill to establish a house of refuge for juvenile offenders in the State of Indiana.

On motion by Mr. Hamrick,

The bill was referred to a select committee of one from each congressional district, with instructions to report by next Thursday at 2 o'clock, P. M. The committee to consist of Messrs. Hamrick, 7th district; Graham, 1st; Stackhouse, 2d; Dufour, 3d; Durham, 4th; Bundy, 5th; Handy, 6th; Clark, 8th; Henton, 9th; Henry, 10th; Lines, 11th.

On motion by Mr. Gentry,

The order of business was suspended in order to take up House bill No. 180, a bill amendatory of and supplemental to an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

Was read a second time.



Mr. Walker of Laporte moved to amend section 14 as follows:

"Whereas, an emergency exists for the immediate taking effect of this act, therefore."

Which was agreed to.

Mr. Orr moved to amend section 1 as follows: After the word "mulattos," insert "and Indians." Also, after the word "mulatto," insert "or Indian."

Which was not agreed to.

Mr. Orr offered the following amendments:

Amend 7th section as follows: Strike out one dollar where it occurs in said section, and insert fifty cents.

Strike out all of section eight.

When,

On motion by Mr. Ferris,

The bill, report and pending amendments were laid on the table, and 200 copies ordered to be printed.

A message from the Governor by Mr. Tarkington, executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 22. An act to repeal section six of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852.

No. 72. An act providing for the compensation of township assessors.

No. 101. An act to amend an act entitled "an act authorising the construction of plank, McAdamized and gravel roads," approved May 12th, 1852.

No. 37. An act to change the time of holding circuit courts in the tenth judicial circuit.

All of which bills originated in the House of Representatives.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 99, 115, 144, 150, 154, 155, 157 and 160, and find the same correctly engrossed.

On motion by Mr. Jones of Jennings,  
The House adjourned.

1½ o'clock, P. M.

House met.

By unanimous consent,

Mr. Hicks obtained leave and offered the following resolution:

*Resolved*, That this House adjourn until 4 o'clock P. M. this day, in order that the members hereof may hear the address of Lieutenant Governor Willard to the musical convention.

Mr. Jones of Ripley moved to amend by striking out the word "four," and inserting the word "three" in lieu thereof.

Mr. Spencer moved to amend the amendment by adjourning till to-morrow morning;

When,

On motion by Mr. Milroy,

The resolution and pending amendments were laid on the table.

Mr. Graham moved a call of the House ; which was ordered, and the following members answered to their names, viz:

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Burnett, Dodd, Donald, Dufour, Dunlavy, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Hendricks, Henry, Henton, Hicks, Howell, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Read, Richardson, Rockafellar, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Sutton, Tanner, Thomas, Turpie, Yount, and Mr. Speaker—69.

On motion by Mr. Stockwell,

The further call was suspended.

By unanimous consent,

Mr. Parker, chairman of the committee on Public Expenditures, obtained leave and made the following report:

**MR. SPEAKER:**

The committee on Public Expenditures, to whom was referred House bill No. 125, on the Geological survey of the State, have had the same under consideration, and the majority of said committee are of opinion that it would be inexpedient to go into said survey at present, and have directed me to return the bill, and ask that it be

laid on the table; and said committee ask to be discharged from the further consideration of the subject.

When,

On motion by Mr. Freeland,

The report was laid on the table.

On motion by Mr. Ballard,

House bill No. 47, and the message of the Governor, were taken from the table.

Mr. Johnson moved a call of the House;

Which was ordered.

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Dodd, Donald, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McKee, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—85.

The doors were closed, and the following members were excused:

Messrs. Durham, Emery, McCormick, Peckenpaugh, and Struble—5.

The Sergeant-at-arms proceeded to bring the following members within the bar:

Messrs. Chapin, Clark, Cooper, Donelson, Druley, Hooper, McDonald of Lake, Ryan, Taber and Underwood.

Mr. Gentry moved to suspend the further call of the House; Which was not agreed to.

On motion by Mr. Gentry,

The further call of the House was postponed for 15 minutes.

Mr. Hamrick moved to lay the bill on the table;

Which motion did not prevail.

Mr. Manville moved that the House adjourn for 15 minutes.

Which was not agreed to.

Leave of absence was granted to Mr. Maxfield during the remainder of the session.

Mr. Freeland moved that the House adjourn.

Which motion did not prevail.

Mr. Hamrick moved to postpone the further consideration of the bill until quarter past two o'clock.

Which was not agreed to.

Mr. Johnson moved to resume the call of the House.

Which was agreed to.

The Clerk proceeded with the call ; when,

On motion by Mr. Laird,

The further call of the House was suspended.

And the question then being shall the bill pass notwithstanding the objections of the Governor?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Clark, Dodd, Donald, Dunlavey, Dyer, Ferris, Ferguson, Freeland, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lines, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, Moss, Orr, Parker, Pratt, Price, Read, Scott, Shelby, Shuman, Stackhouse, Steele, Stephens, Stockwell, Taber, Tanner, Thomas, Turpie, Walker of Rush, Work, and Yount—59.

*Those who voted in the negative were,*

Messrs. Catlin, Dufour, Farnsley, Fleming, Gentry, Gootee, Henry, Henton, Howell, Jones of Ripley, Lemmon, Lewis, Lowe, Maxfield, McKee, McKinney, Milroy, Richardson, Rockafellar, Seawright, Service, Shoemaker, Simpson, Spencer, Sutton, Underwood, Walker of Laporte, Wilson, and Mr. Speaker—29.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Hamrick obtained leave and introduced,

No. 204. A bill to provide for the distribution of the township law.

Which was read a first time.

Mr. Hamrick moved to suspend the rule, and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Clark, Dodd, Donald, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Greene, Hammond,

Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Catlin and Jones of Boone—2.

So the rule was suspended, and the bill read a second time.

Mr. McDonald of Lake moved a further suspension of the rule, and that the bill be read a third time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Graham, Greene, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jennings, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Pratt, Price, Read, Richardson, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—83.

*Those who voted in the negative were,*

Messrs. Catlin, Jones of Boone, Parker and Rockafellar—4.

So the rule was further suspended, and the bill read a third time. And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell, Buell, Bundy, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy,

Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—90.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### HOUSE BILL ON THIRD READING.

No. 149. A bill authorizing township trustees in the several townships in this State to administer oaths.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Cautin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonnald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—90.

Mr. Lewis voting in the negative—1.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

#### SENATE BILLS ON THIRD READING.

No. 54. A bill to amend the 37th section of an act entitled "an

act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpough, Pratt, Price, Read, Rockafellar, Scott, Service, Seawright, Shelby, Simpson, Shuman, Spencer, Steele, Stephens, Stockwell, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Gootee, Graham, Lines, Lowe and Shoemaker—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Hicks,

Senate bill No. 18, a bill to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, which had been lost for want of a constitutional majority, was taken up.

Mr. Orr moved to commit the bill to a select committee of three, with instructions to amend as follows:

That the said owners of stock so killed or injured shall first make a demand on any conductor of any train passing through said county, or president or any one of the directors of said railroad before suit shall be entered against said company.

Mr. Ferris moved to amend the instructions as follows:

To so amend the bill as to read—if on appeal the company do not reduce the judgment 20 per cent., it shall be increased 20 per cent.

Mr. Dufour moved to amend the amendment as follows:

Strike out all except that part of it which relates to the service of process.

Which was not agreed to.

The question then being on the adoption of the amendment to the instructions offered by Mr. Ferris,

It was decided in the negative.

The question then recurring on the adoption of the original instructions,

It was not agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brown, Buell, Bundy, Catlin, Clark, Cooper, Dodd, Donelson, Dunlavey, Farnsley, Ferguson, Fleming, Gentry, Gootee, Graham, Hamrick, Handy, Hartley, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Price, Read, Richardson, Simpson, Stackhouse, Stephens, Taber, Tanner, Thomas, Turpie, Walker of Laporte and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Burnett, Druley, Dufour, Emery, Ferris, Freeland, Goodman, Greene, Harris, Hendricks, Henry, Henton, Hooper, Jennings, Lewis, Maxfield, McDonald of Lake, Milroy, Moss, Peckenpaugh, Pratt, Rockafellar, Scott, Seawright, Service, Shelby, Spencer, Steele, Stockwell, Sutton, Underwood, Walker of Rush, Wilson, Work and Yount—37.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 59. A bill to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Burnett, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Dufour, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—84.



*Those who voted in the negative were,*

Messrs. Donelson and Shelby—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Turpie,

Senate bill No. 53, a bill to authorize and regulate suits against the State, was taken from the table and placed in the files.

#### SENATE JOINT RESOLUTIONS ON THIRD READING.

No. 9. A joint resolution relating to granting pensions to widows and orphans;

Was read a third time,

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Brothwell, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Sutton, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—90.

No person voting in the negative.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 142. A bill to regulate the retailing of spiritous liquors, and for the suppression of evils arising therefrom.

By unanimous consent,

On motion by Mr. McDonald of Lake,

The word "sacramental" was stricken out of the first section of the bill.

Mr. Donelson moved to re-commit the bill with the following instructions:

Strike out in section 17, the words "or given away," and insert after the word "sold" and before the word "bartered," the word "or," and after the word "bartered" in the first line, "directly or indirectly."

Mr. Dufour moved to amend the instructions as follows:

Amend section first so as to graduate the amount of the bond in proportion to the number of inhabitants in the townships, from \$500 to \$2,000.

Which was agreed to.

Mr. Graham moved to amend the instructions as follows:

Strike out sections 10 and 11.

And the question being put;

The ayes and noes were demanded by Messrs. Thomas and Spencer.

*Those who voted in the affirmative were,*

Messrs. Donald, Graham, Johnson, Jones of Boone, Jones of Ripley, Lemmon, Lewis, Peckenpough, Price, Read, Richardson, Stackhouse, and Taber—13.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Jennings, Laird, Lasselle, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Stockwell, Sutton, Taber, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—78.

So the amendment to the instructions was not adopted.

Mr. Read moved to amend the instructions as follows:

1. Strike out of the 1st section the following words: "with the affidavit of two respectable voters thereto attached, verifying the fact that the names obtained, constitute such majority, and that the sig-

natures are genuine." And insert instead thereof a provision as follows: "with the affidavit of the person so applying to retail, thereto attached, stating that he believes the names obtained constitute such majority, and that the signatures are genuine."

2. In the 8th line of the first section, strike out the word two, and insert one where it occurs.

3. In the 2d line of the 4th section, strike out the word one, and insert one-half where it occurs.

4. In the 2d line of section 5, strike out the words two hundred, and insert fifty where they occur.

5. In the 4th line of section 9, strike out the words twenty-five, and insert five where they occur.

6. Strike out sections 7, 12, 13 and 17.

The amendments were considered separately;

And the question being put on the adoption of the 1st, 2d, 3d, 4th, 5th, 6th and 7th amendments,

They were not agreed to.

Mr. Walker of Laporte moved to amend the instructions as follows:

Amend section 1 by striking out all after the enacting clause and insert the following:

It shall not be lawful to retail spirituous liquors, except for mechanical, medicinal and culiary purposes, unless a license shall first be obtained therefor, which license shall consist of a written assent signed by a majority of the voters of the proper civil township, incorporated city or town, with the affidavit of two voters thereto attached, verifying the fact that the names obtained constitute such majority, and that the signatures are genuine. And not then until after filing with the proper county auditor a bond with approved sureties, in the penal sum of two thousand dollars conditioned for keeping an orderly house.

Which was not agreed to.

The question then recurring on recommitting the bill with the instructions as amended,

It was decided in the affirmative.

On motion by Mr. Druley,

The House adjourned.

WEDNESDAY MORNING, 8½ o'clock, }  
February 23d, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Maxfield,  
The reading of the Journal of yesterday was dispensed with.  
Mr. Work moved a call of the House, which was not ordered.

**PETITIONS, MEMORIALS, &C., PRESENTED.**

By Mr. Chapin:

A petition from 91 ladies and minors of Washington township, Tippecanoe county, on the subject of temperance;  
Which was referred to the committee on Temperance.

By Mr. Orr:

Two petitions from 103 male citizens of Delaware county and 163 ladies and gentlemen of Muncie, Delaware county, on the subject of temperance;  
Which was referred to the committee on Temperance.

By Mr. Handy:

A petition from sundry citizens of the State of Indiana, on the subject of temperance;  
Which was referred to the committee on Temperance.

By Mr. Pratt:

Fourteen petitions from 797 citizens of Cass county, on the subject of temperance;  
Which was referred to the committee on Temperance.

**REPORTS FROM COMMITTEES.**

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred bill No. 81, of this House, a bill to provide for the exemption from taxation of widows and children in certain cases, have had the same under consideration and have instructed me to report the same back to this House with a recommendation that it be indefinitely postponed. The constitution of the State provides that no property shall be ex-

empt from taxation except what is by law exempted for certain purposes. The word "charitable" is used in connection with the word "purposes" in that instrument, and it is by force of it that the principle in the bill is justified, if justifiable or defensible. The committee is of opinion that a strict construction of the constitution is here safest—that the word "charitable" is used in technical and legal acceptance, that it refers to only such cases as would be included in the statute of Elizabeth, under the term of "charitable uses," institutions of a public nature, having for their effect the benefit of the State at large and the community in general; any other construction of the instrument in the opinion of the committee, would be loose and perhaps dangerous.

And the question being on concurring in the report and indefinitely postponing the bill,

And being put,

The ayes and noes were demanded by Messrs. Milroy and Maxfield.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Buell, Bundy, Chapin, Fleming, Goodman, Hendricks, Jennings, Johnson, Jones of Boone, Jones of Ripley, Lowe, Moss, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Shelby, Shuman, Simpson, Steele, Stackhouse, Stockwell, Taber, Turpie, Yount, and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Able, Bridges, Brothwell, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Gentry, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Lasselle, Lemon, Lewis, Lines, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Seawright, Service, Shoemaker, Spencer, Stephens, Struble, Sutton, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Work—58.

So the report was not concurred in.

The question then being on the adoption of the amendment reported by the committee on Ways and Means, it was agreed to, and the bill was ordered to be engrossed.

The Speaker laid before the House the following communication from the Hon. John Pettit:

WASHINGTON CITY,  
February 17, 1853. }

SIR:—I have received a joint resolution in regard to the Right of Way, approved February 10, 1853.

The whole subject has been amply provided for by act of Congress of last session, approved August 4th, 1852. See page 28 of the acts of first session of 32d Congress.

Please do me the favor to inform the House over which you preside.

Your ob't serv't,

JOHN PETTIT.

HON. O. B. TORBET,

*Speaker of the House of Representatives, Indianapolis, Ind.*

Mr. Moss, from the committee on the Judiciary made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was referred House bill No. 118, have directed me to report the same back to the House with a recommendation that it be laid on the table.

The subject matter of the bill is embraced in another now pending before the House.

The report was concurred in, and the bill laid on the table.

Mr. Pratt, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, in compliance with a resolution of the House, adopted the 21st instant, instructing them to report a bill re-establishing tenancies by the courtesy and in dower as they stood prior to the revision of 1852, and to repeal certain sections of an act approved May 14, 1852, entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852, and to modify certain other sections of that act, have the honor to report herewith a bill in conformity with said instructions.

No. 205. A bill creating and regulating tenancies by the courtesy and in dower, and prescribing the rule of descent where the intestate dies leaving a widow or widower and no issue, and providing for infant children where the dower or estate is not sufficient beyond the sustenance of the widow for their maintenance and education, and repealing sections 16, 17, 18, 22, 23, 29, 30 and 31, of an act

entitled "an act regulating descents, and the apportionment of estates," approved May 14th, 1852, and modifying sections 25 and 26 of said act.

Which was read a first time and passed to a second reading.

Mr. Hamrick from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary who were instructed by resolution, to repeal part of the law of descents of last winter, and restoring the former laws on the subject of descent and dower, have instructed me to report the accompanying bill, to regulate the assignment of dower, and respectfully recommend its passage.

No. 206. A bill to regulate the assignment of dower.

Which was read a first time and passed to a second reading.

Mr. Price, chairman of the committee on the Affairs of the Town of Indianapolis, made the following report:

**MR. SPEAKER:**

The committee to whom were referred the resolution instructing them to inquire into the necessity of inclosing the grounds known as the Governor's Circle, with a permanent inclosure of iron and stone, beg leave to report they have had the same under consideration, and are of the opinion it will be necessary to repair the fence that is now on the ground, inasmuch as it corresponds with the building on said lot. Your committee wishes to be discharged from further consideration of the subject.

The report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Hamrick from a select committee made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 176, have had the same under consideration, and have directed me to report the same back to the House with the following amendment, and recommend its passage:

Amend the 4th section as follows: The word "spiritous liquors," in the foregoing sections, shall be construed to mean and apply to all wines intended for sale in this State.

Mr. Hendricks moved to amend the amendment as follows: by inserting the words "or wines" after "spiritous liquors."

When,

On motion by Mr. Underwood,

The bill and pending amendment were laid on the table.

Mr. Stockwell from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 164, "a bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois rail road company," have had the same under consideration, and have directed me to report said bill back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Milroy from a select committee made the following report:

MR. SPEAKER:

The select committee to whom bill No. 142 was recommitted upon the subject of temperance, have had the same under consideration, and do now return the same in accordance with the instructions given by the house, and a majority of the committee recommend its passage.

Amend by striking out the first section from the enacting clause and insert the following:

That no person shall retail spirituous liquors, except for mechanical, chemical, medicinal or culinary purposes, without the consent, first obtained in writing and filed in the auditor's office of the proper county of a majority of the legal voters of the proper city, town or township, with the affidavit of two voters thereto attached, verifying the fact that the names obtained constituted such a majority, and that the signatures are genuine; nor without filing with such auditor, his bond with at least four freehold sureties, to be approved by such auditor, in the penal sum of not less than five hundred nor more than two thousand dollars, proportioned according to the number of inhabitants in the township, conditioned for keeping an orderly house and for the payment of all fines, penalties or damages, that may be incurred under the provisions of this act.

The report was concurred in.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Dodd, Donelson, Druley, Dufour, Ferris, Ferguson, Fleming, Goodman, Greene, Hammond, Harris, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Lines, Martin, Maxfield, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Pratt, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Spencer, Taber, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work and Yount—48.



*Those who voted in the negative were,*

Messrs. Able, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Emery, Farnsley, Gentry, Gootee, Graham, Hamrick, Handy, Hartley, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McKinney, Peckenpaugh, Price, Read, Richardson, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Turpie and Underwood—45.

So the bill did not pass for want of a constitutional majority.

By unanimous consent,

Mr. Stockwell obtained leave and presented a petition from Robt. W. Dunbar, of Vanderburgh county, praying for relief on account of the robbery of his office as treasurer of said county, in the year 1848.

Which was referred to a select committee consisting of Messrs. Stockwell, McDonald of Lake, Gentry, Hendricks, and Lowe.

By unanimous consent,

Mr. Ferguson obtained leave and presented a petition from sundry citizens of the State of Indiana, on the subject of temperance.

Which was referred to the committee on Temperance.

#### RESOLUTIONS.

On motion by Mr. Moss,

*Resolved*, That the Doorkeeper be and he is hereby required to furnish each member of this House, at the earliest day practicable, a copy of the first and second volumes of the Revised Statutes of 1852, bound with every fourth leaf blank, of substantial, close-ruled writing paper, and the members receiving such copies are hereby required to give up the copies of said Statutes they have already received, to the proper officer.

On motion by Mr. Able,

*Resolved*, That after Monday next, there shall be no bills introduced by the members of this House; and

*Be it further resolved*, That the committees now having bills or resolutions before them, be requested to make reports by Monday evening next.

Mr. Dufour offered the following resolution :

*Resolved*, That the special committee to whom was referred that part of the Governor's message relating to colonization, be instructed to bring in a bill appropriating five thousand dollars per annum for the years 1853 and 1854, to be expended in the colonization of our free people of color who desire to emigrate.

Mr. Underwood moved to amend the resolution as follows :

Insert in the proper place, "an appropriation equal to the amount of tax collected from such negroes and mulattoes."

Which was not agreed to.

Mr. Moss called the previous question ;

Which was seconded by the House.

The question then being, shall the main question be now put ?

Was decided in the affirmative.

The question then recurring on the main question, which was, "shall the resolution be adopted?"

The ayes and noes were demanded by Messrs. Dufour and Manville.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Howell, Hunt, Jennings, Jones of Ripley, Lasselle, Lewis, Lines, Martin, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Read, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Underwood, Walker of Laporte, Walker of Rush, Work, Yount, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Dodd, Hamrick, Hicks, Johnson, Jones of Boone, Jones of Jennings, Lemmon, Lowe, Manville, Maxfield, McClure, McDonald of Lake, Price, Richardson, Stackhouse, Sutton, Tanner, Turpie, and Wilson—19.

So the resolution was adopted.

On motion by Mr. Graham,

Leave of absence was granted to Mr. Jennings after to-morrow morning, for the remainder of the session, on account of sickness in his family.

On motion by Mr. Hicks,

*Resolved*, That the select committee on Banks be instructed to return to this House, instantler, the bill repealing the general banking law of last winter, without amendment.

Mr. McDonald of Lake, from the select committee on Banks, in answer to a resolution, made the following report :

**MR. SPEAKER :**

The select committee on Banks, to which was referred bill No. 64

of the House, repealing the general banking law, and which was directed by resolution of the House to be reported back instantler, this morning, hereby report the same back, and recommend that the first section after the enacting clause be stricken out, and when so stricken out, that the bill pass.

When,

On motion by Mr. Hamrick,  
The report and bill were laid on the table.

On motion by Mr. Steele,

*Resolved*, That the committee on Military Affairs inquire into the expediency of reporting a bill to this House, providing for the enumeration of the militia of Indiana, in order that our State may draw from the General Government her quota of public arms.

On motion by Mr. Walker of Laporte,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of enacting a law providing for the incorporation of joint stock companies for manufacturing and mercantile purposes, and report to this House by bill or otherwise.

On motion by Mr. Underwood,

*Resolved*, That the Doorkeeper be authorized to furnish the officers of this House one copy each of the Revised Statutes of 1852.

Mr. Maxfield offered the following resolution:

*Resolved*, That the committee on Education be instructed to report as soon as possible, a bill amending the common school law of the last session, so that the inhabitants of each Congressional township shall retain the fund arising from the 16th section for their own use alone.

Mr. Stockwell offered the following amendment:

"That the direct tax of 10 cents on each hundred dollars, be retained in the county where collected."

Which was not adopted.

Mr. Spencer moved to amend the resolution as follows:

"That the interest arising from the Congressional township fund, shall be annually distributed to the several townships in said State respectively, and the superintendent shall ascertain the amount in dollars and cents of said Congressional fund per child in accordance with the enumeration, and that said superintendent shall take from the common school, a fund to make all the scholars in said State equal in amount per child, and that the residue of fund created by the act to which is an amendment, shall be distributed equally amongst the children in the State."

Mr. Moss moved to lay the resolution and pending amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Maxfield and Druley.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brothwell, Burnett, Catlin, Clark, Cooper, Dufour, Dunlavey, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Hooper, Howell, Jennings, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, Moss, Parker, Price, Read, Richardson, Scott, Shoemaker, Spencer, Stackhouse, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, and Walker of Laporte—48.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Chapin, Donald, Donelson, Druley, Dyer, Ferris, Goodman, Graham, Greene, Harris, Henton, Hicks, Hunt, Johnson, Jones of Jennings, Lemmon, Lewis, Lines, Martin, Maxfield, McDonald of Lake, McKinney, Milroy, Orr, Peckenpaugh, Rockafellar, Service, Shelby, Shuman, Simpson, Steele, Stephens, Stockwell, Taber, Walker of Rush, Wilson, Work and Yount—44.

So the resolution and pending amendment were laid on the table. Mr. Dufour offered the following resolution:

*Resolved*, That a bill amendatory of the general banking law, reported by the select committee on banks, be taken from the table and made the special order of the day, for 2 o'clock this afternoon.

Which was adopted.

Mr. Lowe offered the following resolution:

*Resolved*, That hereafter this House will meet at 8 o'clock, A. M. instead of half past eight.

Mr. Stackhouse moved to amend by striking out "8" and inserting "4."

Which was not agreed to.

Mr. Johnson moved to amend by adding the following words: "Provided the members have their breakfast."

Which was not agreed to.

The question then recurring on the adoption of the original resolution:

It was not adopted.

On motion by Mr. Chapin,

Leave of absence was granted to Mr. McCormick on account of sickness.

## BILLS INTRODUCED.

Mr. Stockwell obtained leave and introduced,  
No. 207. A bill to amend the charter of the Evansville and Illinois Railroad Company.

Which was read a first time, and passed to a second reading.

Mr. Read obtained leave and introduced

No. 208. A bill to prevent railroad companies from changing their depots, except on conditions therein named.

Which was read a first time and passed to a second reading.

Mr. Chapin obtained leave and introduced

No. 209. A bill relative to the establishment of ferries.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*House Bills on second Reading.*

By unanimous consent,

Mr. Stockwell from a select committee obtained leave and made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Robert W. Dunbar, have had the same under consideration, and have directed me to report the following bill and ask the concurrence of the House therein;

No. 210. A bill for the relief of Robert W. Dunbar.

Which was read a first time and passed to a second reading.

No. 179. A bill in regard to criminal prosecutions against the Trustees of the Wabash and Erie Canal.

Was read a second time and ordered to be engrossed.

By unanimous consent,

Mr. Ferris obtained leave and offered the following preamble and resolution:

WHEREAS, In some of the counties of this State, the school fund has been nearly or entirely lost; therefore,

*Resolved*, That the committee on the Judiciary be instructed to report to this House, whether there is any law by which said fund can be regained to the common school fund of this State.

Which was adopted.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 166, 174 and 175 and find the same correctly engrossed.

On motion by Mr. Milroy,  
The House adjourned.

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2 o'clock, P. M.

House met.

ORDERS OF THE DAY RESUMED.

No. 181. A bill to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same in pamphlet form.

Was read a second time and ordered to be engrossed.

No. 182. A bill requiring drawbridge companies to keep light at night,

Was read a second time; when,

On motion by Mr. Turpie,

The bill was referred to the committee on Corporations.

No. 183. A bill in relation to the construction of bridges over certain navigable streams, and prescribing the penalty for a violation of the provisions herein set forth,

Was read a second time; when,

On motion by Mr. Scott,

The bill was referred to the committee on Corporations.

No. 184. A bill to amend an act entitled "an act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof," approved June 14, 1852,

Was read by its title; and,

On motion by Mr. Turpie,

Was referred to the committee on Military Affairs.

No. 185. A bill to authorize turnpike, McAdamized and plank road companies to erect toll gates at distances not less than two miles apart, and to receive tolls thereat,

Was read a second time and ordered to be engrossed.

The hour for the special order having arrived, bill

No. 110. A bill to amend the 5th, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking, approved May 28th, 1852, and to require banks heretofore organized, and which have commenced operations under the said act, to comply with the provisions of this act,

Was considered; when,

On motion by Mr. Walker of Laporte,

The further consideration of the bill was postponed until to-morrow (Thursday) morning at 9 o'clock.

No. 186. A bill to prescribe the manner in which school lands, holden by certificate of purchase, and not paid out, shall be listed for taxation,

Was read a second time.

Mr. Pratt moved to amend as follows:

Every person subject to taxation shall be allowed to deduct his indebtedness from his personal estate.

The question being put,

The ayes and noes were demanded by Messrs. Jones of Jennings and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Burnett, Dufour, Ferris, Graham, Greene, Handy, Hartley, Henton, Hicks, Hooper, Hunt, Jennings, Jones of Jennings, Lemmon, Lewis, Lowe, Martin, McClure, McDonald of Lake, McKee, McKinney, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Thomas, Walker of Laporte, Walker of Rush, Wilson, and Yount—42.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Goodman, Hammond, Hamrick, Harris, Hendricks, Henry, Howell, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lines, Maxfield, Parker, Seawright, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Turpie, Underwood, Work, and Mr. Speaker—48.

So the amendment was not adopted.

Mr. Speaker moved to amend as follows, to-wit:

Auditor to deduct the amount due on the school land from the valuation returned by the assessor.

Which was adopted.

When,

On motion by Mr. Dodd,

The bill as amended was referred to the committee on Ways and Means.

No. 187. A bill to authorize clerks of the circuit and common pleas courts to administer oaths in business pertaining to said courts, and all oaths required under the laws of the State of Indiana.

Was read a second time; when,

On motion by Mr. Dufour,

The bill was referred to the committee on the Judiciary.

No. 188. A bill providing for the sale of the south-west quarter of square 25, in the city of Indianapolis, subject to an unexpired lease of ten years.

Was read a second time; when,

On motion by Mr. Hamrick,

The bill was referred to the committee on Education.

No. 189. A bill concerning defective records.

Was read a second time; when,

On motion by Mr. Hendricks,

The bill was referred to the committee on the Judiciary.

No. 190. A bill amendatory to chapter IV of the code of civil practice.

Was read a second time, when,

On motion by Mr. Buell,

The bill was referred to the committee on the Judiciary.

No. 191. A bill to amend sections 34 and 35, of chapter 108, of the Revised Statutes of Indiana of 1852.

Was read by its title; and,

On motion by Mr. Dufour,

Referred to the committee on the Judiciary.

No. 192. A bill authorizing the Governor to sell at public auction the State's interest in the White Water Valley Canal.

Was read a second time, when,

On motion by Mr. Druley,

The bill was referred to a select committee consisting of Messrs. Druley, Durham, Ferris, Jones of Ripley and Rockafellar.

No. 193. A bill authorizing the Secretary of State to collect and publish all laws remaining in force, and not included in the Revised Statutes of 1852.

Was read a second time.

Mr. Buell moved to amend by adding as follows:

SEC. —. Of the volume so prepared, the same number of copies as of the Revised Statutes shall be published, distributed, and sold, as provided in the act in relation to the printing and distribution of the Revised Statutes, and the Code of Civil and Criminal Practice, approved June 18, 1852.

Which was adopted; when,

On motion by Mr. Pratt,



The bill was referred to the committee on the Judiciary.

No. 194. A bill for the distribution of the Statutes of 1852.

Was read a second time; when,

On motion by Mr. Buell,

The bill was referred to a select committee consisting of Messrs. Buell, Simpson, Struble, Fleming and Spencer.

No. 195. A bill to repeal an act entitled "an act to regulate the sale of spiritous liquors in the county of Tippecanoe," approved February 13th, 1851.

Was read a second time and ordered to be engrossed.

N. 197. A bill amendatory of an act entitled "an act to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe Battle Ground," approved April 28th, 1852.

Was read a second time and ordered to be engrossed.

No. 198. A bill to re-attach certain territory heretofore attached to the county of Laporte, originally within the limits of the county of Starke, to said last named county.

Was read a second time.

Mr. Walker of Laporte moved to lay the bill on the table.

Which was not agreed to.

When,

On motion by Mr. Walker of Laporte,

The bill was referred to a select committee of five consisting of Messrs. Walker of Laporte, Brown, Service, McDonald of Lake and Thomas.

A message from the Senate, by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bill of the House, without amendment.

No. 133. An act to provide for the distribution of the school fund for the year ending on the 4th Monday in March, 1853.

No. 200. A bill supplemental to an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852;

Was read a second time; when,

On motion by Mr. Work,

The bill was referred to a select committee consisting of Messrs. Work, Struble, Howell, Spencer and Simpson.

No. 199. A bill to relocate the seat of justice of Pike county;

Was read a second time.

Mr. Graham moved to refer the bill to a select committee of three.

Mr. Freeland moved to amend by referring the bill to a select committee of five.

Which was agreed to.

And Messrs. Graham, Able, Donald, Freeland, and McDonald of Lake, were appointed said committee.

No. 201. A bill supplemental to an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1852;

Was read a second time.

Mr. Spencer moved to refer the bill to the committee on Ways and Means.

When,

On motion by Mr. Jones of Jennings,

The bill was indefinitely postponed.

No. 202. An act to amend section 1 of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852;

Was read a second time and ordered to be engrossed.

No. 203. A bill to provide for the election of a physician to the Asylums for the Blind, and the Deaf and Dumb; fixing his compensation and defining his duties;

Was read a second time; when,

On motion by Mr. Shuman,

The bill was indefinitely postponed.

#### SENATE BILLS ON SECOND READING.

No. 96. A bill amendatory of, and supplemental to an act entitled "an act to incorporate the Indiana cotton mills," approved Feb. 15th, 1848;

Was read a second time; when,

On motion by Mr. McClure,

The bill was referred to the committee on Corporations.

No. 89. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18th, 1852;

Was read a second time, when,

On motion by Mr. Catlin,

The bill was referred to the committee on Corporations.

No. 95. A bill fixing the salary of the private secretary of the Governor;

Was read a second time.

Mr. Ryan moved to refer the bill to the committee on Claims.

Which was not agreed to.

And the question being on ordering the bill to a third reading.

And the question being put,

The ayes and noes were demanded by Messrs. Johnson and Ryan.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Buell, Bundy, Cooper, Druley, Dufour, Farnsley, Freeland, Gentry, Graham, Handy, Henry, Lowe, Maxfield, McDonald of Lake, McKee, Read, Seawright, Shelby, Stockwell, Struble, Sutton, Tanner, Underwood, Walker of Laporte, Walker of Rush, Work, and Mr. Speaker—30.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brown, Burnett, Catlin, Clark, Dodd, Donald, Donelson, Dunlavey, Dyer, Emery, Ferris, Ferguson, Fleming, Goodman, Gootee, Greene, Hammond, Hamrick, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Martin, McClure, McDonnall of Sullivan, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Service, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Taber, Thomas, Turpie, Work and Yount—65.

So the bill was not ordered to a third reading.

No. 99. A bill giving the court of common pleas jurisdiction to hear and determine applications for divorce,

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House, with sundry engrossed amendments thereto:

No. 83. An act to amend an act entitled "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852; also, amendatory to an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852.

In which the concurrence of the House is respectfully requested.

When,

On motion by Mr. Hamrick,

The bill and amendments contained in the foregoing message, were laid on the table.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 49. An act to amend the 5th, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, and to further amend said act by a supplemental section thereto regulating the business of general banking, and defining the duties and powers, and regulating the duties of the auditor in connection with the business of general banking.

In which the concurrence of the House is respectfully requested.

Bill No. 49, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 69. An act to amend an act to provide for the incorporation of railroad companies, approved May 11, 1852.

No. 75. An act to authorize county treasurers to sell delinquent lands in certain cases, to the highest bidder.

In which the concurrence of the House is respectfully requested.

Bills Nos. 69 and 75, contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 78. An act to amend section 95 of "an act to provide for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

In which the concurrence of the House is respectfully requested.

Bill No. 78, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Spencer moved to suspend the order of business and take from the table the report from the Judiciary committee containing a recommendation to indefinitely postpone bill of the House No. 151, a bill to provide salaries for district prosecuting attorneys, and providing the manner of paying the same.

And the question being, shall the bill be indefinitely postponed,

The ayes and noes were demanded by Messrs. Spencer and Shuman.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Bundy, Burnett, Catlin, Clark, Donald, Dufour, Dunlavey, Dyer, Farnsley, Ferguson, Free-land, Goodman, Gootee, Graham, Hammond, Hamrick, Hartley, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Orr, Peck-  
 paugh, Pratt, Price, Rockafellar, Scott, Simpson, Stackhouse, Struble, Stephens, Taber, Tanner, and Underwood—50.

*Those who voted in the negative were,*

Messrs. Bridges, Buell, Donelson, Druley, Emery, Ferris, Fleming, Gentry, Greene, Handy, Harris, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Lasselle, McKinney, Milroy, Moss, Parker, Seawright, Service, Shelby, Shoemaker, Shuman, Spencer, Stockwell, Sutton, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—35.

So the bill was indefinitely postponed.

## SENATE BILLS ON SECOND READING.

No. 64. A bill providing for the asserting of the rights of the State to escheat estates, and regulating the sale thereof,

Was read by its title; and,

On motion by Mr. Laird,

Referred to the committee on the Judiciary.

No. 72. A bill requiring county commissioners to perform certain duties in relation to the refunding of taxes wrongly assessed and collected.

Was read by its title, and,

On motion by Mr. Johnson,

Referred to the committee on Ways and Means.

No. 73. A bill to amend the 17th section of an act entitled an act prescribing who may make a will, and the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.

Was read by its title, and,

On motion by Mr. Lines,

Referred to the committee on the Judiciary.

No. 82. A bill to amend the 4th, 5th, 27th, 37th, 47th, 49th 53d, 58th, 67th, 81st, 540th, and 799th sections of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State: to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Was read by its title, and,

On motion by Mr. Buell,

Referred to the committee on the Judiciary.

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas, to appoint master commissioners, and defining the duties and fixing the compensation of such master commissioners.

Was read by its title, and,

On motion by Mr. Pratt,

Referred to the committee on the Judiciary.

#### SENATE BILLS ON THIRD READING.

No. 66. A bill to enable turnpike companies heretofore chartered who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads.

Was read a third time,

By unanimous consent of the house,

On motion by Mr. Seawright,

The bill was amended by striking out the word two, and inserting in lieu thereof, the word three.

By unanimous consent of the House,

On motion by Mr. Henton,

The bill was further amended as follows:

After the word 'miles' in the last line of the amendment, the following:

SEC. —. That any turnpike, gravel, plank, or McAdamized road company, who have, or who may hereafter have constructed four consecutive miles or more of their road may erect toll gates as near together as four miles in case it should be to their interest so to do.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Buell, Bundy, Catlin, Clark, Donald, Donelson, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, McKinney, McKee, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Service, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Yount—77.

*Those who voted in the negative were,*

Messrs. Burnett, Goodman, Johnson, McClure, Peckenpaugh, Shelby, Tanner and Mr. Speaker.—8.

So the bill passed.

On motion by Mr. Seawright,

The bill was amended as follows: after the words 'turnpike companies,' insert 'plank, gravel and McAdamized road companies, and for the erection of toll gates.'

Ordered that the clerk inform the Senate thereof.

Mr. Lines moved to suspend the order of business, and take from the table bill of the house No. 178, a bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.

Which motion did not prevail.

No. 25. A bill to amend an act therein named.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonauld of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Simpson, Stackhouse, Steel, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—83.

Mr. Shelby voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 99. A bill supplemental to an act entitled "an act for the

relief of certain persons therein named," approved February 16, 1848;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Dodd, Donald, Donelson, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lassel, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—87.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 115. A bill to authorize any person desiring to erect a flouring mill or other machinery, to be propelled by water on his own land, to make a race-way below such mill or machinery, through land belonging to other persons, and to regulate the assignment and payment of damages therefor, being an act supplemental to article 41, chapter 1, of part second of the Revised Statutes of 1852;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Bundy, Catlin, Clark, Dodd, Donald, Donelson, Dufour, Dyer, Farnsley, Ferris, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Jennings, Lemmon, Lewis, Lines, Lowe, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Orr, Parker, Peckenpaugh, Price, Pratt, Richardson, Rockafeller, Scott, Service, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Work—64.



*Those who voted in the negative were,*

Messrs. Burnett, Druley, Dunlavey, Emery, Ferguson, Fleming, Handy, Henry, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Maxfield, McClure, McKinney, Seawright, Shuman, Stockwell, and Mr. Speaker—19.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 144. A bill for the relief of the inhabitants of township No. 12, north of range 9 west, in Vigo county, and providing a receiver for certain school moneys belonging to the common school fund of said township.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brothwell, Bridges, Buell, Bundy, Burnett, Catlin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dyer, Dunlavey, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Peckenpaugh, Parker, Price, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Ferguson and Jones of Boone—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 150. A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages and to procure and use seals," approved February 16, 1852.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Dyer, Ferris, Farnsley, Fleming, Freeland, Gentry, Goodman, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Jennings, Jones of Boone, Lasselle, Lemmon, Lines, Lowe, Martin, Maxfield, McClure, McDonnall of Sullivan, McKee, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Shelby, Simpson, Spencer, Steele, Stephens, Stockwell, Struble, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Emery, Ferguson, Gootee, Graham, Greene, Henton, Johnson, Jones of Ripley, Lewis, McDonald of Lake, McKinney, Peckenpauagh, Seawright, Shoemaker, Shuman, Stackhouse, Sutton, Taber, Tanner Work and Yount—21.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Shelby moved to reconsider the vote just taken.

Which was not agreed to.

Mr. Hicks moved the House adjourn.

Which motion did not prevail.

On motion by Mr. Pratt,

Leave of absence was granted to Mr. Service, during the remainder of the session, on account of sickness in his family.

No. 155. A bill in relation to contracts made by agents or attorneys in fact under powers of attorney, where the name of their principal has not been employed as the party to be charged, and prescribing the effects of such contracts.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss,

Orr, Parker, Peckenpaugh, Pratt, Price, Read, Rockafellar, Scott, Service, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—74.

*Those who voted in the negative were,*

Messrs. Brothwell, Emery, Ferguson, Gootee, Hammond, Henry, Henton, Howell, Jones of Ripley, Richardson, Seawright, Shelby, Spencer, Sutton, Tanner, and Mr. Speaker—16.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Hamrick obtained leave and made the following report from a select committee:

MR. SPEAKER:

The select committee to whom was referred the petition and remonstrance of certain citizens of Switzerland county, relative to the relocation of the county seat of said county, have had the same under consideration and have directed me to report the following bill and recommend its passage.

No. 211. A bill to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto.

Which was read a first time and passed to a second reading.

The Speaker laid before the house the following communication from His Excellency the Governor, with the accompanying document:

EXECUTIVE DEPARTMENT, }  
FEBRUARY 23, 1853. }

HON. O. B. TORBET,

*Speaker of the House of Representatives:*

SIR:—You will please lay before the House of Representatives the enclosed communication of Hugh Stewart, and oblige

Yours,

JOSEPH A. WRIGHT.

STATE OF INDIANA, }  
COUNTY OF VIGO. }

Hugh Stewart being sworn on his oath, says that in the year 1843 the Wabash and Eel river canal company was organized to construct and complete that part of the cross-cut canal extending from Terre Haute to Eel river under an act of the State of Indiana entitled "an act to provide for the continuance of the construction of all or any part of the public works of the State by private companies, and for abolishing the board of internal improvement, and the office of fund commissioner, and chief engineer, approved January 28th, 1842: that this affiant paid into the stock of said company three thousand dollars or thereabouts, which was wholly expended in work on the aforesaid part of said cross-cut canal. This affiant further states that afterwards in the year 1846 and 1847, the State of Indiana, by the act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, and the amendments thereto transferred to the Board of Trustees of the Wabash and Erie canal, the said cross-cut canal including the part which belonged to the Wabash and Eel river canal company, and upon which, in the work aforesaid, the said three thousand dollars was expended. This affiant further says that none of the stockholders in said company paid any part of their stock subscribed therein except this affiant. By means of which said premises this affiant has lost the said sum of three thousand dollars, and is the sole and only loser and sufferer thereby.

HUGH STEWART.

Which,

On motion by Mr. Scott,

Was referred to the committee on Claims.

By unanimous consent,

Mr. Walker of Laporte obtained leave and introduced the following preamble and resolution:

**WHEREAS**, From some mysterious dispensation of Divine Providence, before whose shrine the members of this House are wont to bow in humble submission, the hands of the clock above the Speaker's head have fallen several degrees behind time, whereby this honorable body may be led to continue its sessions beyond any reasonable hour, and even into the darkness of night, much to the discomfort of certain members who are known to be fond of supper and other things: therefore,

*Resolved*, That the Sergeant-at-arms be instructed to take the hands of said clock under his especial care and endeavor to cause them to revolve as they should do.

Which was not adopted.

On motion by Mr. Graham,

The House adjourned.

THURSDAY MORNING, 8½ o'clock, }  
February 24th, 1853. }

The House met.

Mr. Chapin in the chair.

On motion by Mr. Maxfield,

The reading of the Journal of yesterday was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Orr:

A petition from 67 ladies of Muncie, Delaware county, on the subject of temperance;

Which was referred to the committee on Temperance.

By Mr. Martin:

A petition from 16 voters, on the subject of temperance;

Which was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred Senate bill No. 99, giving the court of common pleas jurisdiction to hear and determine applications for divorce, have, according to order, had the same under consideration, and directed me to report the same back to the House with the recommendation that it be indefinitely postponed.

Applications for divorce most commonly involve questions beyond the mere rescission of the marriage contract,—such as alimony, dower, and the disposition of the children: questions of great delicacy and of the highest moment to the parties concerned. The reputation and happiness of families are always deeply affected in suits of this character, and the interests of society require that the scales of justice should be held by one of steady hand, and intelligent head. The court of common pleas was designed to be one of inferior jurisdiction upon every subject-matter save that relating to decedents' estates, the appointment of guardians, &c., &c.; and until time shall have demonstrated the competency of this court to adjudicate upon questions of the highest character, the committee are of opinion it would be unsafe to confer the jurisdiction contemplated by this bill.

The report was concurred in, and the bill indefinitely postponed.

Mr. Hamrick, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 171, entitled "an act supplemental to an act entitled 'an act concerning real property, and the alienation thereof,' approved May 6th, 1852," have had the same under consideration, and have directed me to report the same back with two amendments, upon the adoption of which they would respectfully recommend its passage.

1st. Amend the title by adding thereto the following: "Providing for the sale and conveyance of the interest of an insane wife in the lands of her husband."

2d amendment. Add to the bill the following:

SEC. 4. The purchaser shall pay, or secure to some suitable third person, as trustee for such insane wife, a portion of the purchase money equivalent to the estimated value of her inchoate interest in such real estate, which amount such trustee shall pay to her upon her becoming of sound mind, or to her husband, if he survive her; or he may apply the same or any part thereof for her benefit in such manner as may be necessary for her comfort and maintenance, under the direction of the proper court having probate jurisdiction. And for the proper application of such money, the trustee shall enter into a written undertaking with sufficient surety, which written undertaking shall be taken and approved by the judge making the declaration herein before required, and recorded with the deed.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Scott, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 187, a bill to authorize clerks of the circuit court and courts of common pleas to administer oaths in all cases required by the business pertaining to such courts, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 170, entitled "an act to provide for the conveyance of donation

lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased," have directed me to report the same back to the House, with the recommendation that it be referred to the committee on the affairs of the town of Indianapolis. Your committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and the bill referred as recommended.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 93, have directed me to report the same back to the House, and to recommend that it be laid on the table. A Senate bill containing the same provisions is now pending before the House.

The report was concurred in and the bill laid on the table.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 76, "an act relative to replevin bail on judgments in the circuit court and court of common pleas," have considered the same and find that in section 676, of article 39, chapter 1, second volume of the Revised Statutes, ample provisions are made to meet the object of the bill, the committee therefore, have instructed me to report the same back and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom were referred House bill No. 130, and the pending amendment thereto, House bill No. 162, House bill No. 27, and sundry resolutions, all relating to the law of descents, have had the same under consideration, according to order, and instruct me to report the same back to the House with the recommendation that they lie upon the table. The committee had the honor of reporting to the House on yesterday, a bill covering the whole subject matter, and ask leave to be discharged from further consideration of the subject.

The report was concurred in, and the bills and pending amendments were laid on the table.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom was referred Senate bill No. 68, "a bill to fix the price of the Indiana reports," have had the same under consideration, and have directed me to report the following amendment, to-wit:

Strike out of the 1st section the words "four dollars," and insert in place thereof, the words "three dollars and fifty cents," and upon the adoption of this amendment to recommend its passage.

The amendment was adopted, and the bill read a second time and ordered to a third reading.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred Senate bill No. 73, have directed me to report the same back to the House with the following amendments, upon the adoption of which they would respectfully recommend its passage.

Amend as follows:

Strike out the words "three years," where they occur in said bill, and insert "one year."

Strike out the words "two years," where they occur in the proviso to said bill, and insert "one year."

The amendments were adopted, and the bill read a second time and ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom was referred House bill No. 172, "a bill exempting from taxation the real and personal property of Masonic and Odd Fellows' societies to the same extent of other benevolent and charitable institutions, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House and recommend its passage.

When,

On motion by Mr. Hendricks,

The report and bill were laid on the table.

Mr. Read, chairman of the committee on State Prison, made the following report:



**MR. SPEAKER:**

The committee on the State Prison, to whom was referred House bill No. 165, a bill fixing the salary of the chaplain of the State Prison, providing the manner of paying the same and repealing the thirteenth clause of the first section of an act entitled "an act relative to the salaries of public officers and providing the manner of paying the same," have had the same under consideration, and directed me to report the same back for the consideration of the House, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Henry, chairman of the committee on Claims, made the following report:

**MR. SPEAKER:**

The committee on Claims, to whom was referred the communication and report of Benjamin Wolfe, agent for selecting lands under the act of congress, approved July 12, 1852, for the use of the State University, have had the same under their consideration, and have directed me to report; that they unanimously recommend that the said Benjamin Wolfe be allowed for his expenses and labors in making such selection of land, the sum of two hundred dollars, and that the committee on Ways and Means be, and are hereby directed to incorporate into the specific appropriation bill, the said sum of two hundred dollars for the use of the said Benjamin Wolfe; and the committee ask to be discharged from the further consideration of this subject.

The report was concurred in, and referred to the committee on Ways and Means.

Mr. McDonnall of Sullivan, from the committee on Claims, made the following report:

**MR. SPEAKER:**

The committee on Claims, to whom was referred resolution of the House, instructing them to inquire into the propriety of allowing the witnesses a reasonable compensation, who attended the Marion Circuit Court on a change of venue from the Tipton Circuit Court, in the case of the State vs. Moore for murder, &c., have had the subject under consideration, and have instructed me to report, that in the opinion of said committee, it is inexpedient to legislate upon the subject, and the committee ask to be discharged from the further consideration of the subject.

On motion by Mr. Parker,

The report was laid on the table.

Mr. Simpson, from the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred House bill No. 182, requiring drawbridge companies to keep lights at night, have had the same under consideration, and a majority of the committee have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. McClure, chairman of the committee on Corporations, made the followidg report:

MR. SPEAKER:

The committee on Corporations, to whom was referred an engrossed bill of the Senate. No. 96, entitled "an act amendatory of, and supplemental to, an act entitled an act to incorporate the Indiana Cotton Mills," approved February 15th, 1848, have had said bill under consideration, and have instructed me to report the same back to the House without amendment, and respectfully to recommend its passage.

Which was concurred in; when,

On motion by Mr. McClure,

The bill was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Thomas, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Yount.—91.

Mr. Shoemaker voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. McClure chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the petition of sundry citizens of the counties of Boone and Clinton, asking the Legislature to grant a charter for the construction of a plank road, running from Lebanon, Boone county, via of Mechanicsburgh, to Frankfort in Clinton county, have had the same under consideration, and have directed me to report that ample provision has been made by general law, in the Revised Statutes of 1852. The committee ask to be discharged from further consideration of the subject.

Which was concurred in.

The hour for special order having arrived, the House proceeded to the consideration of bill of the House, No. 110, a bill to amend the 5th, 6th, 7th, and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and to require banks heretofore organized, and which have commenced operation under said act to comply with the provisions of this act.

Mr. Pratt offered the following amendment: amend 1st section by adding the following at the end:

"All plates heretofore engraved for the printing of bank notes under the provisions of this act, and the act to which this is an amendment, shall have engraved thereon in some conspicuous, place the words "The State of Indiana."

Which was adopted.

Mr. Dufour offered the following amendment:

Amend section 3d by striking out in the second line the word "one," and insert the word "five;" also, strike out in the eighth line the words "to an amount exceeding one-fourth of their whole issue."

Mr. Walker of Laporte offered the following modifying amendment to the amendment, which was accepted by Mr. Dufour:

Strike out the word "five" in the 6th line, and insert therefor the word "ten;" also, strike out the word "nor" in the 6th line, and all of the 7th and 8th lines.

Mr. Burnett offered the following amendment to the amendment: amend the amendment as follows:

"That this law shall not be in force until all other States of this Union have adopted similar laws."

Mr. Dufour moved to lay the amendment to the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Dufour and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Bundy, Catlin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Emery, Ferris, Fleming, Gentry, Hammond, Handy, Hartley, Henry, Hicks, Howell, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Read, Richardson, Shoemaker, Spencer, Stackhouse, Stephens, Struble, Sutton, Tanner, Thomas, Turpie, Underwood and Walker of Laporte—48.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Buell, Burnett, Chapin, Cooper, Dyer, Farnsley, Ferguson, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hendricks, Henton, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Laird, Lines, Martin, Maxfield, McKinney, Orr, Peckenpaugh, Pratt, Price, Rockafellar, Scott, Seawright, Service, Shelby, Shuman Simpson, Steele, Stockwell, Taber, Walker of Rush, Wilson, Work and Yount—45.

So the amendment to the amendment was laid on the table.

The question then recurring on the original proposition.

The ayes and noes were demanded by Messrs. Pratt and Dufour.

*Those who voted in the affirmative were,*

Messrs. Able, Bundy, Clark, Donald, Donelson, Druley, Dufour, Durham, Fleming, Gentry, Hammond, Handy, Hicks, Howell, Lemmon, Lewis, Lowe, McKee, Milroy, Stephens, Sutton, Tanner, Thomas, Turpie, Underwood and Walker of Laporte—25.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Buell, Burnett, Chapin, Catlin, Cooper, Dodd, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lines, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Struble, Taber, Walker of Rush, Wilson, Work and Yount—68.

So the resolution was not adopted.

Mr. Hamrick offered the following amendment :

Amend section 3 as follows: strike out from the word 'dollars' in the 4th line to the word 'nor' in the 6th line.

Mr. Walker offered the following amendment to the amendment:

Amend by striking out only the words 'receive or' in the fifth line and add after the words 'pay out,' the words 'except to other banks.'

And the question being on the amendment to the amendment.

The ayes and noes were demanded by Messrs. Dufour and Howell.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bundy, Catlin, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavy, Durham, Farnsley, Fleming, Gentry, Graham, Handy, Hicks, Howell, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, McClure, McKee, Milroy, Parker, Peckenpauagh, Read, Richardson, Seawright, Shoemaker, Stephens, Sutton, Tanner, Thomas, Underwood, and Walker of Laporte—38.

*Those who voted in the negative were,*

Messrs. Burnett, Chapin, Clark, Donald, Dyer, Emery, Ferguson, Goodman, Greene, Hamrick, Harris, Hartley, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Lasselle, Lines, Maxfield, McDonald of Lake, McKinney, Orr, Pratt, Price, Scott, Service, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Struble, Taber and Yount—39.

So the amemdment to the amendment was not adopted.

And the question then recurring on Mr. Hamrick's amendment,

The ayes and noes were demanded by Messrs. Howell and Hamrick.

*Those who voted in the affirmative were,*

Messrs. Ballard, Burnett, Clark, Dyer, Emery, Ferris, Goodman, Gootee, Graham, Greene, Hamrick, Harris, Hartley, Hooper, Hunt, Johnson, Laird, Lines, Maxfield, Orr, Peckenpauagh, Price, Scott, Shuman, Steele, Taber and Work—27.

*Those who voted in the negative were,*

Messrs. Able, Bundy, Catlin, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Farnsley, Ferguson, Fleming, Gentry, Handy, Henry, Henton, Hicks, Howell, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Pratt, Read, Richardson, Rockafellar, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Stack-

house, Stephens, Struble, Sutton, Tanner, Thomas, Underwood, Walker of Laporte, Wilson and Yount—55.

So the amendment was not adopted.

On motion by Mr. Dufour,

The further consideration of the bill was postponed till 2 o'clock, P. M., to day, and made the special order of the day for that hour.

Mr. Laird moved that House bill No. 105, a bill to abolish the office of State Printer, and to provide for letting out the public printing to the lowest bidder, be taken from the table and placed in the files.

Which was not agreed to.

On motion by Mr. Dufour,

The order of business was suspended, and House bill No. 152, a bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom, was taken up.

On motion by Mr. Dufour,

The bill was recommitted to the temperance committee, with instructions to strike out all after the word "consent" in the third line of section 1, to the word "nor" in the sixth line of said section, and insert in the place thereof the following: Of a majority of the legal voters of the proper city, town or township, who may cast their votes on the subject of "license" or "no license," at the annual April election.

Also, amend section 2 to agree with the foregoing amendment to section 1, by striking out the words "in writing;" make the other changes in the bill to conform to the preceding.

Mr. Handy, from the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions to which was referred House bill No. 167, an act providing for the admission of certain classes of insane persons into the Indiana Hospital for the insane, have had the same under consideration, and a majority directed me to report the same back to the House and recommend its passage, and ask to be excused from the further consideration of the subject.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Underwood, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions to whom was referred resolution No. 15, inquiring into the expediency of

lighting with gas, the asylum for the education of the deaf and dumb, have had the same under consideration, and beg leave to report: that the expense of lighting the entire building with gas, including pipes and fixtures, will be about \$1,500. After which, the expense per annum, will be less than any other light and much more convenient. Yet, in consequence of the large appropriation required the current year for this institution, a majority of the committee are unwilling to recommend an appropriation for this object, direct me to report said resolution back to the House, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Spencer, from the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER :**

The committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred the petition of Samuel Brown and others, praying the General Assembly to amend the 9th chapter of the Revised Code of practice by declaring an emergency, and that the same be put in force immediately, have had the same under consideration, and have unanimously directed me to report; that in their opinion, it is inexpedient to legislate further upon the subject, as the Revised Code will soon be filed in each county: therefore, your committee would respectfully ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Hooper, from the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER :**

The committee on the organization of Courts of Justice, to whom was referred the petitions of sundry citizens of this State, praying for the passage of a law to regulate the practice of physic and surgery, have had the same under consideration, and instructed me to report the following bill,

No. 212. A bill regulating the practice of physic and surgery within the State of Indiana;

Which was read a first time and passed to a second reading.

Mr. Cooper, chairman of the committee on the State Library, made the following report:

**MR. SPEAKER :**

The committee on the State Library direct me to report the following bills,

No. 113. A bill to authorize and request the Governor to exchange the Revised Statutes, Laws, Documentary Journals and Reports of the supreme courts of this State, with those of the other States of the Union;

Which was read a first time and passed to a second reading.

No. 214. A bill for the distribution of the census reports of 1840 and 1850 to the counties;

Which was read a first time and passed to a second reading.

No. 215. A bill authorizing the State Librarian to make out a proper classified catalogue of the books, papers, &c., in the State Library;

Which was read a first time and passed to a second reading.

Mr. Hamrick, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred bill of the House No. 54, entitled "a bill to establish a house of refuge for juvenile offenders in the State of Indiana," have had the same under consideration, and have directed me to report that, in the opinion of the committee, the time and place of building houses of refuge is left by the Constitution to the sound discretion of the Legislature; that the necessity at this time is not sufficiently clear to justify your committee in recommending an enterprise involving such additional increase in taxation. They therefore recommend that the bill be laid on the table, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the bill laid on the table.

Mr. Work, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 200, have had the same under consideration, and have unanimously directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Peckenpaugh, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of the president of the Alton, Mount Carmel and New Albany railroad company, praying for that part of the charter of said railroad between Princeton and New Albany, to be repealed, have had the same under consideration, and have directed me to report that it is inexpedient



to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in, and the committee discharged.

Mr. Milroy, from a select committee, made the following report:

**MR. SPEAKER:**

The committee on Temperance, to whom was recommitted bill of the House No. 142, "to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom," with instructions, beg leave to report the same back amended according to instructions, and recommend its passage.

Which was concurred in.

Mr. Milroy moved a call of the the House; which was ordered.

When the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jennings, Johuson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Red, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Yount—92.

Messrs. Burnett and Manville were excused.

The doors were closed, and the following members sent for:

Messrs. Freeland, Ryan, Work, and Mr. Speaker.

Mr. McDonald of Lake, moved to suspend the further call;

Which was not agreed to.

On motion by Mr. McDonald of Lake,

The lobbies were cleared.

Mr. Seawright moved to suspend the further call;

Which was not agreed to.

On motion by Mr. Ferguson,

The vote refusing to suspend the further call was reconsidered.

And the question being put,

The further call was suspended.

On motion by Mr. Lines,

The doors of the Hall were opened.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Dodd, Donelson, Druley, Dufour, Ferris, Ferguson, Fleming, Free-land, Goodman, Greene, Hammond, Harris, Hendricks, Henry, Hen-ton, Hicks, Hooper, Hunt, Jennings, Lines, Martin, Maxfield, Mc-Donnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Pratt, Read, Rockafellar, Scott, Seawright, Service, Shelby, Shoemaker, Shuman, Simpson, Spencer, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—53.

*Those who voted in the negative were,*

Messrs. Able, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Dunlavey, Durham, Dyer, Emery, Farnsley, Gentry, Gootee, Gra-ham, Hamrick, Handy, Hartley, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonald of Lake, McKinney, Peckenpaugh, Price, Richardson, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, and Tanner—43.

So the bill passed.

Mr. Lowe moved to amend the title of the bill as follows:

A bill to encourage the drinking of spirituous liquors in larger quantities than is now the custom of the people of the State of Indiana.

Which was not agreed to.

Ordered that the Clerk inform the Senate thereof.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER :**

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 81, 164, 181, 185, 195, 197 and 202, and find the same correctly engrossed.

Mr. Hooper, from the committee on Enrolled Bills, made the fol-lowing report:

**MR. SPEAKER :**

The committee on Enrolled Bills have compared the accompany-ing enrolled bills of the House, Nos. 25 and 133 with the 'engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Maxfield,

The House adjourned.

2½ o'clock, P. M.

House met.

A message from the Senate by Mr. Sites their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:  
No. 106. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.

In which the concurrence of the House is respectfully requested.

Bill No. 106, contained in the foregoing message, was read a first time.

When,

On motion by Mr. Buell,

The rule was suspended, and the bill read a second time by its title, and referred to a committee of one from each congressional district.

Messrs. Buell, 6th district; Stockwell, 1st district; Read, 2nd district; Hendricks, 3d district; Durham, 4th district; Druley, 5th district; Steele, 7th district; Chapin, 8th district; Walker of Rush, 9th district; Lasselle, 10th district; and Parker, 11th district.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof.

No. 77. A bill to provide for the election, fixing the compensation, and prescribing the duties of attorney general for the State of Indiana.

No. 103. A bill to increase the salary and the amount of the bond of the State Librarian.

No. 111. A bill providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency.

In which the concurrence of the House is respectfully requested.

Bills No. 77, 103 and 111, contained in the foregoing message were read a first time and passed to a second reading.

#### RESOLUTIONS.

On motion by Mr. Dyer,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of debaring the judges of courts of com-

mon pleas from practicing law in any court where an appeal may lie over to said court and report by bill or otherwise.

By unanimous consent,

Mr. Stockwell obtained leave and introduced

No. 29. A joint resolution in regard to the industrial exhibition to be held in New York in May next, and in New Orleans in February, 1854.

Which was read a first time and passed to a second reading.

The House then proceeded to the consideration of House bill No. 110, it being the special order of the day.

Mr. Stockwell offered the following amendment:

*Provided, also,* That all persons or associations are hereby prohibited from offering or receiving any bill as currency of a less denomination than five dollars, when the same is issued by a banking institution or association chartered out of the State of Indiana; and that all persons or associations so offending, shall be fined in a sum not less than five dollars, nor more than one hundred dollars,—the same to be recovered before any court having competent jurisdiction.

And the question being on the amendment,

The ayes and noes were demanded by Messrs. Scott and Dodd.

*Those who voted in the affirmative were,*

Messrs. Able, Cooper, Dodd, Donald, Dufour, Farnsley, Fleming, Freeland, Gentry, Gootee, Graham, Handy, Hicks, Howell, Jones of Jennings, Jones of Ripley, Lemmon, Lowe, Manville, McClure, Richardson, Ryan, Seawright, Shelby, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie and Walker of Laporte—32.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Druley, Dunlavey, Durham, Dyer, Emery, Ferris, Ferguson, Goodman, Greene, Hamrick, Harris, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Laird, Lasselle, Lewis, Lines, Maxfield, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Peckenpaugh, Pratt, Price, Read, Rockefeller, Scott, Shoemaker, Shuman, Simpson, Spencer, Steele, Taber, Underwood, Walker of Rush, Wilson, Work and Yount—55.

So the amendment was not adopted.

Mr. Underwood offered the following amendment:

Amend 3d section by striking out the word "one," where it occurs in the 2d line, and inserting "five;" also, the last part of the 8th line which reads as follows: "to an amount exceeding one-fourth of the whole issue."

And the question being put,

The ayes and noes were demanded by Messrs. Underwood and Bundy.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brown, Bundy, Chapin, Donald, Druley, Dufour, Dunlavey, Durham, Fleming, Freeland, Gentry, Gootee, Hammond, Handy, Hicks, Howell, Jones of Ripley, Lemmon, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Richardson, Shuman, Stackhouse, Stephens, Struble, Sutton, Tanner, Thomas, Turpie, Underwood and Walker of Laporte—38.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Buell, Burnett, Catlin, Cooper, Dodd, Dyer, Emery, Farnsley, Ferris, Ferguson, Goodman, Greene, Hamrick, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Jennings, Laird, Lasselle, Lewis, Lines, Martin, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Simpson, Steele, Stockwell, Taber, Walker of Rush, Wilson, Work and Yount—51.

So the amendment was not adopted.

Mr. Dodd offered the following amendment:

Strike out of the 8th line "one-fourth" and insert "one-fifth."

Which was not adopted.

Mr. Hendricks offered the following amendment:

Amend section four by adding: "The register, over his own signature, shall certify that such note has been numbered and registered, and the auditor shall certify that it is secured by pledge of public stocks: *Provided, however,* that this provision shall not extend to notes already executed under existing laws."

Which was adopted.

Mr. Scott offered the following amendment:

Strike out of the fourth section the words "and register."

Which was not adopted.

Mr. Johnson offered the following amendment:

Amend by striking out the word "twenty," in the 6th line of section five, and insert "twelve and one-half."

Mr. Buell offered the following amendment to the amendment:

Amend by striking out "one hundred and twenty dollars in stocks," and inserting "one hundred dollars in stocks, and fifty dollars in real estate."

On motion by Mr. Able,

The amendment to the amendment was laid on the table.

Mr. Turpie offered the following amendment:

Amend so as to require for every \$100 of bills \$100 in gold or silver.

Which was not adopted.

Mr. Seawright offered the following amendment to the amendment:

Amend the amendment by striking out 12½ and inserting 15 cents.  
Which was not adopted.

The question then recurring on the original amendment,  
It was not adopted.

Mr. Buell offered the following amendment:

Strike out "twenty," and insert "ten."

Which was not agreed to.

Mr. Stockwell offered the following amendment:

*Provided, also,* That where a majority of the stockholders of any bank or association for banking are residents of the State of Indiana, having a resident directory of five or more persons, the Auditor of State shall be, and he is hereby directed, to issue to said bank or association, one hundred dollars for each one hundred and five dollars of stock deposited at par value or at their market value if that be less than par, if in his opinion the personal liability of said stockholders, for the redemption of all notes issued, shall exceed double the amount of the capital thereof: *And provided further,* That the provisions of this section shall not extend to any bank or association which is not engaged in a fair and legitimate banking business, by discounting mercantile paper, and dealing in exchange within the State of Indiana.

Which was not adopted.

Mr. Scott offered the following amendment:

Strike out of 5th section 6th and 7th lines and word "deposited" in 8th line.

Which was not adopted.

Mr. Peckenpaugh offered the following amendment:

Amend the third line by striking out fifty thousand dollars, and inserting one hundred thousand in lieu thereof.

Which was not adopted.

Mr. Pratt offered the following amendment:

*Provided further,* That as to the excess of stocks required by this act over the amount of circulating notes, it shall and may be lawful for any association of persons organized or hereafter to be organized under this act and the act to which this is an amendment, to deposit with the Auditor of State in lieu of such stocks, bonds and mortgages on unincumbered real estate situated in the county where such association may transact their business, to the amount of fifty per cent. above such circulation. Such mortgages to bear an interest of six per cent. and to be executed upon real estate at its fair cash appraised value, exclusive of all perishable improvements: *Provided further,* That such association shall have a local directory and a majority of its stockholders shall be resident citizens of this State.

And the question being put,

The ayes and noes were demanded by Messrs. Pratt and Buell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Buell, Chapin, Dyer, Greene, Hendricks, Henry, Hooper, Hunt, Jennings, Lasselle, McClure, Peckenpaugh, Pratt, Price, Shelby, and Work—17.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Henton, Hicks, Howell, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Spencer, Steele, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, and Yount—74.

So the amendment was not adopted.

Mr. Scott offered the following amendment:

Strike out of 5th section from the word provided, in 9th line.

Which was not adopted.

Mr. Shelby offered the following amendment:

Amend section six by striking out the words "such stocks of New York, Ohio, Kentucky, Virginia, Massachusetts, Tennessee and Michigan," and insert the following in lieu thereof: "Such stocks of any of the States of this Union."

Which was not adopted.

Mr. Gentry offered the following amendment: Amend by adding after Michigan, the word Louisiana.

Which was not adopted.

Mr. McClure offered the following amendment: Amend the 6th section by striking from the 7th line all after the words per annum, to the word and in the 8th line.

Which was not adopted.

Mr. Struble offered the following amendment: Amend section 6, in line 15, strike out thirty and insert fifteen.

Which was not adopted.

Mr. Graham offered the following amendment: Strike out Michigan in 3d line.

Which was not adopted.

Mr. Dufour offered the following amendment: Amend section 8, by striking out from the 7th and 8th lines the words, for thirty days after such notice.

And the question being put;

The ayes and noes were demanded by Messrs. Chapin and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Donald, Dufour, Dunlavey, Durham, Dyer, Graham, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Laird, Lemmon, Lewis, Lowe, Manville, Struble, Sutton, Taber, Tanner, Thomas and Mr. Speaker—23.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Emery, Farnsley, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Harris, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Ripley, Lasselle, Lines, Maxfield, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Turpie, Underwood, Walker of Rush, Walker of Laporte, Wilson, Work and Yount—70.

So the amendment was not adopted.

Mr. Pratt offered the following amendment: Amend section 8, by inserting in the 5th line, after the word manner; the words "but the fees of any notary for all protests made by him in any one day under the provisions of this act, shall not exceed the sum of ten dollars."

Mr. Chapin offered the following amendment to the amendment: Amend the amendment by striking out ten, and inserting twenty.

Which was not adopted.

Mr. Pratt then withdrew his amendment.

Mr. Hendricks offered the following amendment:

Amend section 8 by adding the following proviso:

Nothing in this section shall be construed to require any notice or certificate, or record of protest; but it shall be a sufficient protest within the meaning of this section, if the notary public shall note on any bank bill under his hand that such bank note was presented for payment, and payment refused with the date of such presentment, and refusal. For his services the notary public shall receive ten cents for each bank bill so presented, and noted for non-payment, and no further costs or protest shall be chargeable against such banking association.

Which was adopted.

Mr. Pratt offered the following amendment: amend section 9 by adding at the close:



"Unless such person or association shall withdraw the same for the purpose of closing the affairs of such banking association in pursuance of notice given to that effect."

Which was adopted.

Mr. Hendricks moved to amend by striking out section ten.

Which was agreed to.

Mr. Pratt offered the following amendment:

Amend section 12, 14th line, by striking out the word "sufficient," and inserting in lieu thereof the word "prima facie;" and by adding at the close "but such person or association may rebut the presumption arising from the certificate of such notary public by showing the same to be untrue."

Which was adopted.

Mr. Dufour offered the following amendment:

Amend section 12, by striking out the word "small" in the 6th and 8th lines.

Which was adopted.

Mr. Pratt offered the following amendment:

Amend section 14, 8th line, by striking out the word "seventy-five," and inserting in lieu thereof the word "fifty."

Which was adopted.

Mr. Hamrick offered the following amendment:

Amend section 16 by striking out the words "twenty dollars," in the 3d line and insert the words "twelve dollars and fifty cents."

And the question being put,

The ayes and noes were demanded by Messrs. Struble and Henry.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Chapin, Dyer, Emery, Farnsley, Ferris, Ferguson, Gentry, Goodman, Greene, Hammond, Hamrick, Handy, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Lasselle, Lines, Maxfield, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Taber, Tanner, Thomas, Underwood, Walker of Rush, Wilson, Work and Yount—62.

*Those who voted in the negative were,*

Messrs. Able, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Fleming, Freeland, Gootee, Graham, Harris, Hartley, Hicks, Howell, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, McKinney, Richardson, Struble, Sutton, Tanner, Turpie, Walker of Laporte and Mr. Speaker—32.

So the amendment was adopted.

Mr. Johnson offered the following amendment:

Amend section 5, by striking out the word "twenty," in the 6th line, and inserting in lieu thereof the words "twelve and a half."

Which was adopted.

Mr. Burnett offered the following amendment:

Amend section 16, by inserting after the words "United States," in the 5th line the words "or Indiana State."

Which was not adopted.

Mr. Dufour moved to amend by striking out section 31.

Which was agreed to.

Mr. Laird offered the following amendment:

Amend by striking out section 33 and insert the following:

SEC. 33. No association of persons authorized to carry on the business of banking under this act shall at any time have on hand at their place of business at which their small bills or notes in circulation as money; [—] and a failure on the part of any person or association carrying on the business of banking under this act to comply with the provisions of this section, shall authorize the Auditor of State forthwith to proceed to close up such bank, as provided by this act.

Which was not adopted.

Mr. Lowe offered the following amendment:

Amend section 33 by striking out "twenty" in the second line and inserting in lieu thereof "ten." And also strike out the words "twelve and one-half per cent," in the 3d line and insert "twenty-five."

Which was not adopted.

Mr. Hendricks offered the following amendment:

Amend section 39 by prefixing the following: No president, cashier, director or other officer of such bank or banking association shall be eligible to the office of Governor, Auditor, Treasurer or Secretary of State, or of Senator or Representative in the General Assembly of the State.

Which was adopted.

Mr. Hamrick moved to amend section 39 by striking out "twenty" and inserting "twelve and a half."

Which was agreed to.

Mr. Pratt offered the following amendment:

Amend section 43 as follows: And the auditor, for the violation of any of the duties required of him by this act or the act to which this is an amendment, shall be guilty of a misdemeanor, and shall be liable to be fined in any court having jurisdiction of the offense,

in any sum not less than ten dollars, nor more than one thousand dollars; to which may be added imprisonment in the county jail for any period not exceeding one year.

Which was adopted.

Mr. Hamrick offered the following amendment:

Strike out from the word "dollars" in the 4th line in the 3d section to the word "nor" in the 6th line.

Which was not adopted.

Mr. Scott offered the following amendment:

Amend by adding the following section:

SEC. —. The provisions of this act, nor the act to which it is an amendment, shall not extend to any bank, association or person not engaged in a fair and legitimate banking business, by discounting mercantile paper and dealing in bills of exchange, within the State of Indiana.

Which was not adopted.

Mr. Pratt offered the following amendment:

Amend the amendment to 4th section by inserting after the word notes these words—"dies or plates."

On motion by Mr. Ballard,

The vote adopting the amendment to section 4 offered by Mr. Hendricks was reconsidered; when

Mr. Hendricks withdrew the amendment to section 4.

On motion by Mr. McDonald of Lake,

The vote on striking out section 10 was reconsidered; when

Mr. Hendricks withdrew the amendment striking out section 10.

Mr. Durham moved to amend as follows, by adding

SEC. —. That all banks established under the act to which this is an amendment shall on the 1st days of January, April, July and October, report to the Auditor of State, a detailed statement of its condition, giving a full statement of its assets, and liabilities, together with a list of the officers and directors of such bank, the auditor furnishing them a blank form which shall be sworn to by the President and cashier of such bank.

Which was not agreed to.

Mr. Underwood offered the following amendment:

Amend the 4th and 7th lines in section 8, by inserting the words 'or notes,' after the word 'note,' where it occurs.

Which was not adopted.

Mr. McDonald of Lake called the previous question.

Which was seconded by the House.

The question then being, shall the main question be now put?

Was decided in the affirmative.

The question then recurring on the main question, which was, shall the bill be engrossed?

Was decided in the affirmative.

When,

On motion by Mr. McDonald of Lake,

The bill was considered as engrossed and read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Cooper, Dodd, Donald, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Hammond, Hendricks, Henry, Henton, Hooper, Hunt, Jennings, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lines, Maxfield, McClure, McDonald of Lake, McDonnell of Sullivan, McKee, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Yount and Mr. Speaker.—67.

*Those who voted in the negative were,*

Messrs. Able, Burnett, Druley, Dufour, Dunlavey, Durham, Goodman, Gootee, Graham, Hamrick, Hartley, Hicks, Howell, Laird, Lewis, Lowe, Manville, Martin, McKinney, Ryan, Scott, Shelby, and Taber—23.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Read,

Leave of absence was granted to Mr. Sutton for the remainder of the session on account of sickness in his family.

On motion by Mr. Durham,

The House adjourned.

FRIDAY MORNING, 9 o'clock,  
February 25, 1853.

The House met.

Mr. Laird in the chair.

On motion by Mr. Howell,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Clark, Donald, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gootee, Graham, Hartley, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McDonald of Lake, McKee, McKinney, Milroy, Moss, Orr, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Wilson, Work and Yount—69.

On motion by Mr. Struble,

A further call was dispensed with.

Mr. Graham moved to dispense with the reading of the journal of yesterday.

Which was not agreed to.

The clerk proceeded to read,

When,

On motion by Mr. Read,

The further reading was dispensed with.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Maxfield:

A petition from 92 citizens of the State of Indiana on the subject of the settlement of accounts.

Which was referred to the committee on the Judiciary.

On motion by Mr. Brown,

Mr. Struble was added to the select committee heretofore appointed in relation to the boundary line of Starke county, in place of Mr. Service, who has gone home.

By Mr. Martin:

A petition from 36 females, on the subject of temperance;

Which was referred to the committee on Temperance.

On motion by Mr. Struble,

Leave of absence was granted to Mr. Henry for the remainder of the session, on account of sickness in his family.

#### REPORTS FROM COMMITTEES.

Mr. Turpie, from the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The committee on the Judiciary, to whom was referred bill No. 83 of the Senate, have had the same under consideration, and have instructed me to report the same back and recommend its passage. The revised code of last winter abolished, by implication, at least, the office of master in chancery. The bill provides for the re-establishment of a similar office. There are many purposes, in the course of legal procedure in the courts, for which such an office is necessary: such as the taking of depositions, affidavits, &c., &c.; hence the committee recommend that the bill be favorably entertained.

Which was concurred in, the bill read a second time, and ordered to a third reading.

Mr. Moss, from the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The committee on the Judiciary, to whom was referred House bill No. 121, have instructed me to report the following amendments to said bill, upon the adoption of which they would respectfully recommend its passage.

Amend by striking out all after the enacting clause, and insert the following :

Any town heretofore incorporated under any act of the General Assembly of the State of Indiana, may, by a resolution of its council, or board of trustees duly entered on the journal of said corporation, adopt the mode of collecting taxes prescribed in the thirty-seventh and thirty-eighth sections of the act referred to in the title of this bill, without adopting any other part of said act, and without surrendering any of its franchises heretofore acquired, except such as may conflict with said section.

**SEC. 2.** It is hereby declared that an emergency exists, therefore this act shall be in force from and after its passage.

The amendments were adopted, and the bill ordered to be engrossed.

Mr. Cooper, from the committee on Education, made the following report :

**MR. SPEAKER:**

The committee on Education, to whom was referred bill No. 98, "a bill to authorize the redemption of forfeited congressional school lands, by persons who were purchasers thereof, and their assigns, heirs and legal representatives," have directed me to report that it is inexpedient at this time to legislate on the subject, and they recommend that the same be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Ferris, from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred the petition of sundry citizens of this State, requesting the present Legislature to so change the law as to allow the people to return to the district and congressional township system of doing school business, have had the same under consideration, and have directed me to report it inexpedient to legislate upon the subject, and ask that the petition be laid on the table.

Which was concurred in.

Mr. Ferris, from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred the petition of John Tomlinson and 17 others, asking that certain classes of persons therein named be exempt from paying taxes for school purposes, have had the same under careful consideration, and have directed me to report that it is inexpedient to legislate on the subject, and they ask that the petition be laid on the table.

Which was concurred in.

Mr. Underwood, from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred House bill No. 34, amendatory to an act to provide for a general and uniform system of common schools, have had the same under consideration, and direct me to report the same back to the House, and recommend the indefinite postponement of the bill.

The report was concurred in, and the bill indefinitely postponed.

Mr. Price, from the committee on the affairs of the town of Indianapolis, made the following report:

**MR. SPEAKER:**

The committee to whom was referred bill No. 170, have had the same under consideration, and report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Emery, from the committee on Claims, made the following report:

**MR. SPEAKER:**

The committee on Claims, to whom was referred the petition of Christian F. Young and others, to be relieved from a delinquent tax upon forfeited canal land, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate upon the subject, and ask to be relieved from the further consideration of the subject.

Which was concurred in.

Mr. Underwood, from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred the petition of P. B. Brown and 250 others of Vigo county, praying for a change in the common school law so that in large towns and cities, children may be sent to such schools as their parents or guardians may choose, and to draw their proportion of the fund, have had the same under consideration, and direct me to report that the exigencies of the petitioners are fully met by the present school law, and that further legislation on the subject is unnecessary, report the same back to the House and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Wilson, from the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads, to whom was referred Senate bill No. 20, have instructed me to report the following amendments, upon the adoption of which they would respectfully recommend its passage.

Amend by striking out sections 3 and 4; also, amend the title by striking out sections 20 and 32.



Which were adopted, and the bill ordered to a third reading.

Mr. Turpie, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred the petition of certain inhabitants of the town of Plymouth, have had the same under consideration, and have instructed me to report the following bill, in accordance with the prayer of said petitioners.

No. 216. An act to amend an act entitled "an act to incorporate the town of Plymouth, Marshall county, Indiana, to extend the limits of said town to outlots for purposes of taxation, to require non-residents to pay a license for selling at private sale goods, wares or merchandise in said town, to empower the president and trustees of said town to order a re-survey of streets, alleys and drains in said town, to allow fifty per cent. damage upon sales of property delinquent for non-payment of taxes;

Which was read a first time and passed to a second reading.

Mr. Donald of Lake, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee on Banks, to which was referred bills of the House, numbered 1 and 24, and sundry resolutions in relation to free banking, have directed me to report the same back and recommend that they be laid on the table.

The report was concurred in, and the bills and resolutions laid on the table.

Mr. Gentry, from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred resolution of the House in relation to the endowment of a professorship from the proceeds of the late grant from congress, have had the same under consideration, and have directed me to report; that in the opinion of the committee it is inexpedient to legislate further upon the subject at this time, and ask to be discharged from its further consideration.

Which was concurred in.

## RESOLUTIONS.

Mr. Shelby offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to report a bill authorizing parties suing or being sued for divorce ; if the party or parties so request, to testify to any facts bearing on the case, of which they may have a personal knowledge.

Which was not agreed to.

On motion by Mr. Graham,

Leave of absence was granted to Mr. Work, during the remainder of the session.

Mr. Hicks moved to reconsider the vote on House bill No. 146, by which it was indefinitely postponed.

Mr. Brothwell moved to lay the motion to reconsider on the table. And the question being put ;

The ayes and noes were demanded by Messrs Able and Johnson.

*Those who voted in the affirmative were,*

Messrs. Brecount, Brothwell, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Dodd, Donelson, Druley, Dufour, Dyer, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootie, Hammond, Handy, Hartley, Hendricks, Henry, Howell, Hunt, Jones of Boone, Lewis, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Scott, Seawright, Shelby, Shoemaker, Shuman, Spencer, Tanner, Thomas, Turpie, Underwood, Work, Yount and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Clark, Donald, Dunlavey, Ferguson, Graham, Hamrick, Harris, Henton, Hicks, Johnson, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Martin, McKinney, Orr, Peckenpough, Price, Richardson, Rockafellar, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber and Wilson—33.

So the motion to reconsider was laid on the table.

By unanimous consent,

Mr. Steele obtained leave and presented a petition from sundry ladies of the State of Indiana, on the subject of temperance ;

Which was referred to the committee on Temperance.

## BILLS INTRODUCED.

Mr. Shoemaker obtained leave and introduced,

No. 217. A bill repealing the laws in force local to Fulton coun-

ty, giving exclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county the laws relating to the jurisdiction and punishment of such misdemeanors as contained in the Revised Statutes of 1852;

Which was read a first time and passed to a second reading.

On motion by Mr. Lines,

House bill No. 178, a bill to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852;

Was taken from the table.

On motion by Mr. Graham,

The bill was considered as if in committee of the whole.

Mr. Shelby moved to amend section 5, as follows:

Strike out section 5 and insert the following in lieu thereof:

SEC. 5. The 62d section of said act is hereby amended to read as follows, to-wit: Any person having any claim whether due or not, against the estate of any decedent, except judgments which are liens upon the decedent's real estate, and mortgages of his real or personal estate, obtained and executed in his lifetime, and expenses of administration, shall within one year from the date of the first appointment of an executor or administrator, present the same to the executor or administrator for payment: who, if he believes the same to be just and unpaid, shall allow the claim, file it in the order of its presentment, and pay it out of the first moneys of the estate which shall come into his hands. In case the executor or administrator shall doubt the justice of the claim, he may require the claimant to go before the clerk of the court of common pleas, and swear to the same; and in case the executor or administrator shall believe the claim, or any part of the claim so presented, to be unjust, he shall entirely refuse to pay the same, or so much of the same, as he believes to be unjust: in which case the claimant shall file his claim in the office of the clerk of the proper court of common pleas, and if such claim be not filed within thirty days before the final settlement of the estate, it shall be barred, except as hereinafter provided in case of the liabilities of heirs and devisees; nor shall hereafter, any other court have original jurisdiction of any such claim, except such liens, against the estate of any decedent.

Which was not adopted.

On motion by Mr. Dufour,

Leave of absence was granted to Mr. Lemmon for the remainder of the session, on account of sickness in his family.

Mr. Laird moved to amend section 5, as follows:

After the word decedent in the 10th line, insert the following:

*Provided*, That said claim shall exceed the sum of twenty dollars.

Mr. Orr moved to amend the amendment, by striking out the word twenty, and insert in lieu thereof the word ten.

Which was adopted.

The question then recurring on the amendment offered by Mr. Laird, as amended,

It was not adopted.

Mr. Orr moved to reconsider the vote by which the amendment offered by Mr. Shelby, was not adopted.

Which was not agreed to.

Mr. Laird moved to amend section 5, as follows:

Add after the word administrator in the ninth line: provided, that if such claimant be a non-resident of the county where such estate is administered, that such claimant may file his or her notice of such claim at any time within two years.

Which was not adopted.

Mr. Hicks moved to amend section 7, by striking out the words said first, in the 6th line of said section, and insert in the place thereof, the words, the last.

Which was adopted.

Mr. Bridges offered the following amendment:

Amend section 7, by adding:

*Provided*, That the court may, in its discretion, require further proof as to any claim notwithstanding the executor or administrator may have admitted the claim in the manner provided in this section.

Which was adopted.

Mr. Cooper offered the following amendment:

Add the following at the end of the 8th line of Section 10:

And such executor or administrator shall be required to give an account every six months of all moneys collected and from whom, all moneys paid out and to whom, which account may be sent to the clerk of the court of common pleas, by mail or otherwise.

Which was not adopted.

Mr. Laird moved to insert the word "claims" after the word "such" in the 7th line, of the 10th section.

Which was agreed to.

Mr. Chapin offered the following amendment:

Add after the word "at," in the 3d line of section ten, "the first term of the common pleas court after."

Which was adopted.

On motion by Mr. Shelby,

The word "shall" in the 5th line of section 12, was struck out and the word "may" inserted in lieu thereof.

Mr. Chapin offered the following amendment:

Insert "funeral expenses" after the word "except" in the 4th line of section 12th.

Which was adopted.

Mr. Johnson offered the following amendment:

Amend the 4th line of the 16th section of said bill by inserting the words "he shall enter" immediately after the words "in which," and before the words "the names."

Which was adopted.

Mr. Druley offered the following amendment:

Amend by inserting after the words "common pleas" in the 7th line of section 5, "or with the executor or administrator where the amount is less than ten dollars."

Which was not adopted.

Mr. Read offered the following amendment, add:

Sec. 17. It is hereby declared that an emergency exists, and that this bill shall be in force from and after its passage.

Which was adopted.

Mr. Stockwell offered the following amendment: Amend section 2 by adding the following proviso:

*Provided*, That in all cases where the widow shall fail or refuse to select, or take all or any part of the articles as in this section provided, she shall be entitled to receive the amount in cash out of the first moneys received by the executor or administrator.

Which was adopted.

On motion by Mr. Moss,

The bill was considered as engrossed and read a third time.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Jennings, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Turpie, Underwood, Walker of Rush, Wilson, Work and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Jones of Jennings and Tanner—2.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Turpie,

The following resolution was taken from the table:

*Resolved*, That the committee on claims be instructed to inquire into the propriety of allowing the witnesses a reasonable recompense who attended the Marion circuit court, on a change of venue from the Tipton circuit, in the case of the State vs. Moon, for murder in the first degree, and report by bill or otherwise, and referred to the committee on public expenditures.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the engrossed amendment of the House to the engrossed amendment of the Senate to House bill No. 29, a bill to repeal part of section 119, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House to Senate bill No. 18; a bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State.

Also, to Senate bill No. 66, a bill to enable turnpike companies heretofore chartered, who have gone on to construct their roads, but who have failed to complete the same within the time specified in their charter, to complete their unfinished roads.

On motion by Mr. Ballard,

House bill No. 205, a bill creating and regulating tenancies by courtesy and in dower, and prescribing the rule of descent where the intestate dies leaving a widow or widower, and no issue, and providing for infant children where the dower estate is not sufficient beyond the sustenance of the widow, for their maintenance and education, and repealing sections 16, 17, 18, 22, 23, 29, 30 and 31, of an act entitled "an act regulating descents, and the apportionment of estates," approved May 14, 1852, and modifying sections 25 and 26 of the same act,

Was taken from the files and read a second time.

Mr. McDonald of Lake moved to lay the bill on the table, and print 200 copies.

And the question being put,

The ayes and noes were demanded by Messrs. Johnson and Ferris.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Buell, Cooper, Dodd, Donelson, Dufour, Emery, Farnsley, Freeland, Hammond, Henry, Hicks, Jones of Jennings, Lasselle, Manville, McDonald of Lake, Milroy, Richardson, Shoemaker, Spencer, Tanner and Work—22.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Druley, Dunlavey, Dyer, Ferris, Ferguson, Fleming, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McClure, McDonnall of Sullivan, McKee, Moss, Orr, Parker, Peck-enpaugh, Pratt, Price, Read, Rockafellar, Scott, Seawright, Shelby, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Turpie, Walker of Rush, Wilson and Yount—63.

So the bill was not laid on the table.

The question then recurring on the amendment, commitment or engrossment of the bill,

Pending which,

On motion by Mr. Laird,

The House adjourned.

1½ o'clock, P. M.

House met.

Mr. Chapin in the chair.

The question pending at last adjournment, was the engrossment of House bill No. 205;

Which was ordered.

On motion by Mr. Underwood,

House bill No. 83, a bill to amend an act entitled "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852, also amendatory of an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852, containing sundry engrossed amendments from the Senate,

Was taken from the table.

And the question being, shall the Senate amendments be concurred in?

The House refused to concur.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Struble,

Bill of the House No. 206, "a bill to regulate the assignment of dower,"

Was taken from the files and read a second time.

Mr. Dufour moved to refer the bill to a select committee of one from each congressional district.

And the question being put,

The ayes and noes were demanded by Messrs. Dufour and Work.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Buell, Cooper, Dodd, Donelson, Dufour, Farnsley, Hammond, Henry, Hicks, Jones of Jennings, Lasselle, Manville, McDonald of Lake, McKee, Milroy, Richardson, Ryan, Shoemaker, Spencer, Stackhouse, Tanner and Work—23.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Chapin, Clark, Donald, Druley, Dunlavey, Dyer, Emery, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hooper, Howell, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Lowe, Martin, McClure, McDonnall of Sullivan, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Rockafellar, Scott, Seawright, Shelby, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Thomas, Turpie, Walker of Rush, Wilson, Yount and Mr. Speaker—63.

So the bill was not referred.

It was then ordered to be engrossed.

#### ORDERS OF THE DAY.

##### *House bills on third reading.*

No. 154. A bill to amend the 14th section of an act entitled "An act providing for the incorporation of bridge companies," approved March 9th, 1852;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferris, Ferguson, Fleming,



Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—85.

Mr. Rockafellar voting in the negative—1.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 157. A bill to provide for cutting and removing timber from the reservoir in Gibson county, Indiana, on the line of the Wabash and Erie canal, and for removing the timber from reservoirs hereafter to be erected on the line of said canal;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Chapin, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Johnson, Jones of Boone, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Scott, Seawright, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Howell, Jones of Ripley, McClure, Moss, Rockafellar and Shuman—6.

So the bill passed.

Mr. Donald moved to amend the title of the bill as follows:

Strike out all after the words "an act," and insert "in relation to the reservoirs in the counties of Gibson and Clay."

Which was agreed to.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Brown, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The committee on Swamp Lands, to whom was referred House bill No. 169, have had the same under consideration, and instructed me to report said bill back to the House without amendment, and recommend its passage.

Which was concurred in, and the bill read a second time and ordered to be engrossed.

No. 160. A bill to amend section 4, and section 6 of an act entitled an act prescribing the powers and duties of coroners, approved May 27th, 1852.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsly, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootée, Graham, Hammond, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, M'Clure, M'Donald of Lake, M'Donnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—82.

No person voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 179. A bill in regard to criminal prosecutions against the trustees of the Wabash and Erie canal.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ballard, Brecount, Bridges, Brothwell, Brown, Buell,

Bundy, Burnett, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Harris, Hendricks, Henton, Hicks, Hooper, Johnson, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Peckenpaugh, Pratt, Read, Ryan Scott, Shelby, Shoemaker, Shuman, Simpson Steele, Stephens, Stockwell, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Dunlavey, Ferguson, Freeland, Gootee, Hartley, Henry, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Richardson, Seawright, Stackhouse, Struble and Tanner—16.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### SENATE BILL ON ORDERING TO A THIRD READING.

No. 53. A bill authorizing and regulating suits against the State, with pending amendments.

The first question being on the amendment to the amendment offered by Mr. Underwood,

It was not adopted.

Mr. Chapin moved to lay the amendment offered by Mr. Pratt on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Chapin and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Dufour, Dunlavey, Dyer, Farnsley, Ferguson, Freeland, Gen'ry, Goodman, Graham, Hamrick, Handy, Hendricks, Hooper, Howell, Hunt, Jones of Jennings, Jones of Ripley, Laird, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Read, Ryan, Scott, Seawright, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Turpie, Underwood, Walker of Laporte, Wilson, Yount, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Brothwell, Emery, Ferris, Fleming, Hammond, Harris,

Henry, Henton, Hicks, Johnson, Jones of Boone, Lasselle, Peckenpaugh, Pratt, Price, Richardson, Rockafellar, Shuman, Tanner, Thomas, and Work—21.

So the amendment was laid on the table.

Mr. Pratt offered the following amendment:

Amend the first section by adding the following proviso:

*Provided, however,* That the State shall in no suit authorized by this act, plead the statute of limitations, where a remedy against the State has not been heretofore provided by law.

Mr. Hendricks moved to amend the amendment as follows:

*Provided,* Such claimant has ever urged his claim before the Legislature.

Mr. Read moved to lay the amendment by Mr. Pratt on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Pratt and Read.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Hartley, Hendricks, Hooper, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Parker, Peckenpaugh, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Turpie, Underwood, Walker of Laporte and Wilson—57.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brothwell, Donald, Druley, Emery, Hammond, Harris, Henry, Henton, Hicks, Hunt, Johnson, Lasselle, Lines, Martin, McKee, Orr, Pratt, Price, Shelby, Shoemaker, Shuman, Stockwell, Thomas, Walker of Rush, Work and Yount—28.

So the amendment was laid on the table.

On motion by Mr. Graham,

The amendments were considered as engrossed, and the bill read a third time.

Mr. Work moved to indefinitely postpone the bill.

On motion by Mr. Graham,

The motion to indefinitely postpone the bill was laid on the table.

Mr. Work moved that the House adjourn,

Which motion did not prevail.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donelson, Donald, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Handy, Hendricks, Hicks, Howell, Hunt, Jones of Jennings, Laird, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Rockafellar, Scott, Shelby, Simpson, Steele, Stephens, Stockwell, Struble, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Yount—60.

*Those who voted in the negative were,*

Messrs. Brothwell, Druley, Emery, Hammond, Hamrick, Harris, Hartley, Henry, Henton, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Martin, McKee, Pratt, Richardson, Seawright, Shoemaker, Spencer, Stackhouse, Tanner, Thomas and Work—25.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Able moved that the House adjourn,

Which was not agreed to.

On motion by Mr. Scott,

Leave of absence was granted to Mr. Jones of Jennings until Wednesday next.

On motion by Mr. Walker of Laporte,

House bill No. 180, a bill amendatory of and supplemental to an act entitled an act to provide for a general and uniform system of common schools, school libraries, and matters properly connected therewith, approved June 14, 1852, was taken from the table and referred to the committee on Education.

Mr. Druley moved to take up message from the Senate containing bill No. 120, a bill granting the right of way to the Ohio and Indianapolis Railroad Company to construct a railroad through the grounds of the State, surrounding the grounds of the Deaf and Dumb Asylum.

Which was not agreed to.

On motion by Mr. Able,

The House adjourned.

SATURDAY MORNING, 9 o'clock, }  
February 26, 1853. }

The House met pursuant to adjournment.

Mr. Turpie in the chair.

On motion by Mr. Walker of Laporte,

The reading of the journal of yesterday was dispensed with.

On motion by Mr. Jones of Ripley,

The order of business was suspended, and the orders of the day taken up.

#### ORDERS OF THE DAY.

##### *House Bills on third Reading.*

No. 166. A bill to regulate the taking of appeals from the court of common pleas,

Was read a third time;

And the question being, shall the bill pass?

##### *Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Donald, Donelson, Dufour, Farnsley, Fleming, Gentry, Gootee, Handy, Henry, Hicks, Howell, Johnson, Jones of Boone, Jones of Ripley, Lines, Lowe, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Price, Read, Richardson, Ryan, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Thomas, Turpie, Walker of Laporte, and Wilson—46.

##### *Those who voted in the negative were,*

Messrs. Ballard, Druley, Dunlavey, Durham, Dyer, Ferris, Goodman, Hammond, Hamrick, Harris, Hartley, Henton, Hunt, Jones of Jennings, Lewis, Rockafellar, Scott, Seawright, Shuman, Tanner, Work, and Yount—22.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. McDonald of Lake,

Leave of absence was granted to Mr. Henton until Monday next.

On motion by Mr. Hendricks,

Leave of absence was granted to Mr. Spencer for the remainder of the session.

On motion by Mr. Seawright,

Leave of absence was granted to Mr. Brothwell from and after Wednesday next.

No. 174. A bill to provide that the stocks of companies, corporations, and bodies politic, organized under the laws of this State, whose principal office or president is within the same, shall not be listed by persons holding the same, for taxation against them in their individual capacity ;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Dufour, Dyer, Farnsley, Fleming, Gentry, Goodman, Handy, Harris, Hicks, Hunt, Johnson, Jones of Jennings, Jones of Ripley, Lowe, McDonald of Lake, McDonnall of Sullivan, McKee, Read, Richardson, Rockafellar, Scott, Simpson, Steele, Stephens, Stockwell, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Yount—44.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brothwell, Burnett, Druley, Dunlavey, Durham, Ferris, Ferguson, Freeland, Gootee, Hammond, Hamrick, Hartley, Henry, Henton, Howell, Jones of Boone, Lewis, Lines, Martin, McClure, McKinney, Moss, Orr, Price, Ryan, Seawright, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Struble and Work—35.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. McDonald of Lake,

The House proceeded to the regular order of business.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Bundy :

Two petitions from sundry citizens of the State of Indiana, on the subject of temperance ;

Which was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Manville, from the committee on Ways and Means, made the following report :

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred House bill No. 21, have had the same under consideration, and have directed me to report the same back, and recommend that it be laid upon the table, as your committee have reported a bill upon that subject.

The report was concurred in, and the bill laid on the table.

Mr. Dodd, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred Senate bill No. 72, have had said bill under consideration, and beg leave respectfully to report it back without amendment, and to recommend its passage. Your committee ask to be discharged from the further consideration of the subject.

The report was concurred in, the bill read a second time and ordered to a third reading.

Mr. Dodd, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred House bill No. 158, have had said bill under consideration, and beg leave respectfully to report it inexpedient, and to recommend that it be laid on the table. Your committee ask to be discharged from the further consideration of the subject.

The report was concurred in, and the bill laid on the table.

Mr. Manville, from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred House bill No. 186, have had said bill under consideration, and beg leave respectfully to report it inexpedient, and to recommend that it be laid on the table. Your committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and the bill laid on the table.

Mr. Buell, chairman of the committee on Ways and Means, made the following report:



**MR. SPEAKER:**

The committee on Ways and Means have directed me to report the accompanying bill, making general appropriations for the years 1853 and 1854, and recommend its passage.

No. 218. A bill making general appropriations for the years 1853 and 1854;

Which was read a first time and passed to a second reading.

Mr. Walker, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred House bill No. 138, with instructions, beg leave to report that the instructions would be met by striking out in the fifth line of section five of bill 180, the word "five," and inserting therefor the word "two." They therefore recommend that bill No. 138 be laid on the table. They also respectfully report back to the House bill No. 180, with the recommendation that the change in section five, designated above, be made, and so amended they recommend the passage of the bill.

The report was concurred in, and bill No. 138 laid on the table, and the amendment to bill 180 concurred in.

Mr. Shuman offered the following amendment to the first amendment offered by Mr. Orr:

Strike out "fifty," and insert "twenty-five."

Which was not adopted.

Mr. Burnett offered the following amendment to Mr. Orr's amendment:

Strike out "fifty cents" and insert "five dollars."

Which was not adopted.

Mr. Dufour offered the following amendment to Mr. Orr's amendment:

Amend the amendments by striking out "fifty cents," and inserting after the word "every," in the third line, the word "male, and fifty cents for every female."

Which was not adopted.

The question then recurring on the amendments offered by Mr. Orr, They were not adopted.

On motion by Mr. Hamrick,

The bill was considered as engrossed, and read a third time.

Mr. Lowe moved to recommit the bill with the following instructions:

Amend by inserting in the proper place the following:

*Provided, however,* That nothing in this act or the act to which it is supplemental, shall be construed so as to prevent the inhabitants

attached to any school from determining what branches shall be taught in said school, or from selecting their own teacher.

Which was not agreed to.

By unanimous consent of the House,

On motion by Mr. Walker of Laporte,

The words "prosecuting or" were inserted after the word "proper," in the 6th line of the 11th section.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Hammond, Hamrick, Handy, Harris, Hendricks, Henry, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McKee, Milroy, Moss, Parker, Pratt, Read, Richardson, Ryan, Scott, Seawright, Shoemaker, Shuman, Spencer, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Yount—71.

*Those who voted in the negative were,*

Messrs. Durham, Dyer, Graham, Henton, McClure, McDonald of Lake, McKinney, Price, Rockafellar, Shelby, Simpson, and Stackhouse—12.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Simpson, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred a resolution instructing them to inquire into the expediency of enacting a law providing for the incorporation of joint stock companies for manufacturing and mercantile purposes, have had the same under consideration, and have instructed me to report that, in their opinion, it is unnecessary to undertake legislation on that subject, especially at this late period of the session.

Which was concurred in.

Mr. McClure, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred engrossed bill of the Senate No. 89, a bill to amend an act entitled "an act for the incorporation of cities," approved June 18th, 1852, have had the same under consideration, and have directed me to report it back with the following amendments: Insert amendment 1st as the first section. Insert amendment 2d as section 4. Section 3 the section 5th of amended bill. When so amended, said committee recommend its passage.

Insert the following as

SEC. 1. That section 33 of said act be amended to read as follows: They shall have power to keep open and preserve the course of rivers and streams passing through or bordering upon the corporate limits of any such city; to prevent encroachment or injury to the banks thereof, or casting into the same, offal, dead animals, logs or rubbish; to regulate ferries across such streams, designate the kind of boats to be used, the time and place of landing, and the rates of ferriage.

SEC. 4. That section 84 of said act be amended to read as follows: Officers of any city coming under this act shall remain and continue in their respective offices subject to the provisions of this act until the expiration of the term for which they were elected, and until their successors are chosen and qualified: *Provided*, That this section shall not extend to any office or officers not recognized by the act to which this is an amendment; all by-laws, ordinances and regulations not inconsistent with the act to which this is an amendment, shall remain and be continued in force until altered or repealed by the common council of such city.

The amendments were concurred in, and the bill ordered to a third reading.

Mr. McClure, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred engrossed bill of the Senate No. 19, with instructions, a bill for the better regulation of telegraph companies, and to legalize their former acts, have had the same under consideration, and have directed me to report it back amended as instructed, and recommend its passage.

Add the following to 4th section:

*Provided*, That this section shall not be construed in such a manner as to prejudice the rights of citizens of this State, nor in such a manner as to allow such companies to institute any suit or suits against the inhabitants of this State which they are not now allowed to institute by the laws of this State.

The report of the committee was concurred in, and the amendment adopted.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Gootee, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Ryan and Stackhouse—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Buell, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 106, in relation to the fees of certain officers named therein, have had said bill under consideration, and beg leave respectfully to report it back without amendment, and recommend its passage. Your committee ask to be discharged from further consideration of the subject.

The report was concurred in and the bill read a second time.

Mr. Hamrick moved to indefinitely postpone the bill.

Mr. Buell moved to lay the motion to indefinitely postpone on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Buell and Hamrick.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour,

Durham, Farnsley, Ferris, Gentry, Goodman, Graham, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Howell, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Pratt, Price, Read, Richardson, Scott, Seawright, Shelby, Shoemaker, Shuman, Steele, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Yount, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Donelson, Dunlavey, Dyer, Emery, Ferguson, Fleming, Freeland, Hammond, Hamrick, Hooper, Hunt, Johnson, Lines, Martin, McKinney, Orr, Rockafellar, Simpson, Spencer, Stackhouse, Stephens, and Wilson—22.

So the motion to indefinitely postpone was laid on the table.

Mr. Pratt moved that the bill be read item by item;

Which was agreed to.

The Clerk proceeded to read, when

Mr. Pratt moved to strike out "12½ cents," and insert "10 cents" for record after judgment, per sheet of one hundred words.

Which was not agreed to.

Mr. Spencer offered the following amendment:

Strike out "50 cents," and insert "25 cents" for each certificate to a person desirous of borrowing school funds, as required by the school law, to be paid by such person.

And the question being put,

The ayes and noes were demanded by Messrs. Spencer and Work.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Catlin, Donelson, Druley, Dunlavey, Emery, Ferris, Gootee, Hammond, Hamrick, Handy, Harris, Hooper, Howell, Hunt, Johnson, Jones of Ripley, Lewis, Lines, Lowe, Martin, McClure, McDonnall of Sullivan, McKee, Milroy, Moss, Orr, Pratt, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Struble, Tanner, Underwood, Walker of Rush, Work and Yount—46.

*Those who voted in the negative were,*

Messrs. Ballard, Brothwell, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Donald, Dufour, Dyer, Farnsley, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Hendricks, Henry, Hicks, Jones of Boone, Jones of Jennings, Lasselle, McDonald of Lake, McKinney, Parker, Price, Read, Ryan, Scott, Shelby, Steele, Stockwell, Thomas, Wilson and Mr. Speaker—38.

So the amendment was adopted.

Mr. Buell moved the previous question ;

Which was not seconded by the House.

Mr. Pratt moved to strike out "12½ cents" and insert "10 cents" for making complete record.

Mr. Cooper moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Johnson and Work.

*Those who voted in the affirmative were,*

Messrs. Bridges, Buell, Burnett, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Durham, Farnsley, Ferguson, Gentry, Goodman, Graham, Hicks, Howell, Jones of Boone, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Read, Ryan, Seawright, Shelby, Shoemaker, Steele, Stephens, Stockwell, Tanner, Thomas, Underwood, Wilson and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Bundy, Catlin, Donald, Donelson, Dunlavey, Dyer, Emery, Ferris, Fleming, Free-land, Gootee, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hooper, Hunt, Johnson, Jones of Ripley, Lasselle, Lewis, Lines, Martin, McClure, McKinney, Orr, Pratt, Price, Richardson, Rockafellar, Shuman, Simpson, Spencer, Stackhouse, Walker of Rush, Work and Yount—44.

So the amendment was not laid on the table.

The question then recurring on the amendment offered by Mr. Pratt,

It was agreed to.

Mr. Graham moved the previous question ;

Which was not seconded by the House.

Mr. Pratt moved to amend as follows:

For clerk's fees, in relation to estates and guardianship, per copy per 100 words, strike out "12½ cents," and insert "10 cents."

Which was agreed to.

Mr. Johnson offered the following amendment :

For recording inventory per 100 words, strike out "15 cents," and insert "10 cents."

Which was not adopted.

Mr. Chapin offered the following amendment :

For every trial, twenty-five cents.

Which was adopted.

Mr. Johnson moved to amend as follows:

Strike out "12½ cents" and insert "10 cents" for recording will.

Which was not agreed to.

Mr. Pratt moved to amend as follows:

Strike out "12½ cents" and insert "10 cents" for making up entries and records.

Which was not agreed to.

Mr. Graham moved to amend by striking out "30 cents" and inserting "50 cents" for boarding prisoners per day.

Which was adopted.

Mr. Burnett moved to amend as follows:

The sheriff, upon writs of habeas corpus, shall be allowed \$1 00.

Which was adopted.

Mr. Work offered the following amendment:

For recording deeds and mortgages, and the acknowledgment thereof, for the first hundred words or less, 50 cents, and for each additional hundred words, 10 cents: provided no deed or mortgage shall exceed \$1 00.

Mr. Hicks moved to amend the amendment by striking out "50 cents" and inserting in lieu thereof \$1 00, and make that amount the entire fee for recording deeds.

And the question being put,

The ayes and noes were demanded by Messrs. Work and Spencer.

*Those who voted in the affirmative were,*

Messrs. Bridges, Brown, Buell, Burnett, Chapin, Druley, Dufour, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Hamrick, Hartley, Hendricks, Henry, Hicks, Johnson, Lasselle, Lewis, Lowe, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Ryan, Scott, Seawright, Shelby, Steele, Thomas, Turpie, Underwood, Walker of Rush, and Mr. Speaker.—42.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bundy, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Dunlavey, Durham, Dyer, Emery, Ferguson, Hammond, Handy, Harris, Hooper, Howell, Hunt, Jones of Boone, Jones of Ripley, Lines, Martin, McClure, Orr, Pratt, Richardson, Rockafellar, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Tanner, Wilson and Work—40.

So the amendment to the amendment was adopted.

Mr. Torbet offered the following amendment to the amendment:

For recording the deeds of commissioners, Sheriffs or deeds made by order of court, he shall receive one dollar for the first hundred words, and ten cents for each additional hundred words.

Which was not adopted.

The question then recurring on the adoption of the amendment offered by Mr. Work, as amended by the motion of Mr. Hicks,

And being put,  
Was decided in the negative.

Mr. Work offered the following amendment:

*Provided*, That the recorder shall in no case charge more than one dollar for recording.

Which was not adopted.

Mr. McDonald of Lake moved to reconsider the vote by which the House refused to adopt the amendment offered by Mr. Work as amended by the amendment of Mr. Hicks.

Which was agreed to.

And the question being on the adoption of the amendment as amended.

The ayes and noes were demanded by Messrs. McDonald of Lake and Work.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Druley, Dufour, Dunlavy, Durham, Dyer, Ferris, Fleming, Freeland, Gentry, Goodman, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Hicks, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Price, Read, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Steele, Thomas, Turpie, Underwood, Walker of Rush and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Able, Cooper, Donelson, Emery, Farnsley, Ferguson, Gootee, Graham, Harris, Howell, Lines, Lowe, McClure, McKinney, Orr, Pratt, Richardson, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Tanner, Wilson and Work—26.

So the amendment as amended was adopted.

A message from his Excellency, the Governor, by Mr. Tarkington executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives, that the following bills have been by him signed and approved.

No. 133. An act to provide for the distribution of the school funds for the year ending on the fourth Monday in March, 1853.

No. 25. An act to provide for the enumeration of all the white male inhabitants over the age of twenty-one years in the State of



Indiana, in the year 1853, and pay the officers for taking the same.  
All of which originated in the House of Representatives.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 110, 165, 171, 182 and 200, and find the same correctly engrossed.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House Nos. 167, 169, 170, 187, 191, 205 and 206, and find the same correctly engrossed.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bill of the House No. 178, and find the same correctly engrossed.

On motion by Mr. Dufour,  
The House adjourned.

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1½ O'CLOCK, P. M.

House met.

On motion by Mr. Hamrick,  
Senate bill No. 106, which was under the consideration of the House, was laid on the table.

On motion by Mr. Hamrick,  
The following message from the Senate was taken up.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate recedes from the 1st, 2d, 3d, 4th, 5th and 6th and insist upon the 7th engrossed amendments of the Senate to House bill No. 83, an act to amend an act entitled "an act for the

support of the Indiana Institute for the education of the Blind, approved June 18, 1852; also, amendatory to an act to provide for the government and support of the Institution for the education of the Deaf and Dumb." approved June 14, 1852.

In which the concurrence of the House is respectfully requested.

Whereupon, the House receded from their disagreement to the 7th engrossed amendment of the House to engrossed bill of the Senate.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Hamrick,  
Senate bill No. 106 was taken up.

Mr. Spencer offered the following amendment: Amend auditors' fees by striking out the following fees from the list, to-wit:

"Making copy of tax duplicate for each one hundred words, (counting three figures as one word.)

Which was adopted.

Mr. Spencer offered the following amendment: Amend auditor's fees by striking the following fees from the list, to-wit:

"Each road tax list, twenty-five cents."

Which was adopted.

Mr. Graham moved to amend by striking out "eight cents," and inserting "twelve cents" for trrasurers' mileage.

Mr. Hamrick moved a call of the House, which was ordered.

The Clerk then proceeded to the call, when the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—84.

On motion by Mr. Johnson,

The further call was dispensed with.

The question recurring on the amendment offered by Mr. Graham.

It was not agreed to.

Mr. Read offered the following amendment: strike out the following:

"And under fifteen thousand dollars, all sums over fifteen thousand dollars, two per cent."

Mr. Henry offered the following amendment to the amendment:

Amend by inserting for county treasurers' fees "six per cent. on the first one thousand dollars; five per cent. on the amount between one and four thousand dollars.

Which was not adopted.

The question then recurring on the amendment offered by Mr. Read.

It was not adopted.

Mr. Lowe moved to amend by striking out "three dollars," and inserting "two dollars," for fees of commissioners per day.

On motion by Mr. Freeland,

The amendmant was laid on the table.

Mr. Graham moved to strike out the county surveyor's mileage.

Which was not agreed to.

Mr. Pratt moved to strike out the docket fee for prosecuting attorneys.

Which was adopted.

Mr. Richardson offered the following amendment:

Strike out 'ten cents' and insert 'twelve and a half cents' per 100 words for every record of justices' fees not herein provided for.

Which was adopted.

Mr. Richardson offered the following amendment:

Strike out 'ten cents' and insert 'twelve and a half cents' for certifying copies of all proceedings, 'or one hundred words.

Which was adopted.

Mr. Richardson offered the following amendment:

Strike out 'ten cents' and insert 'twelve and a half cents' for making up docket for every one hundred words.

Which was adopted.

Mr. Steele offered the following amendment:

Strike out 'ten cents' and insert 'twenty-five cents' for writing an affidavit.

Which was adopted.

Mr. Lowe moved to reconsider the vote on allowing 50 cents for the board of prisoners.

Which was not agreed to.

Mr. Buell offered the following amendment:

Add the following section:

SEC. —. The Auditor and Treasurer of State, for their compensation for the management of the trust funds of the State, shall each be allowed one half of one per centum on the amount of funds on loan in the State at the time they make their annual settlement, on which interest shall have been paid for the current year.

Which was not adopted.

Mr. Richardson offered the following amendment:

For township trustees and clerks and treasurers, strike out 'one dollar' and insert 'one dollar and twenty-five cents.'

Which was not adopted.

Mr. Chapin offered the following amendment:

That the docket fees in prosecution for felonies, unless collected from defendant, shall be paid out of the county treasury out of any money not otherwise appropriated of the county in which suit was brought.

Which was not adopted.

Mr. Pratt offered the following amendment:

Add at the end of the section on sheriff's fees: 'where the sheriff is provided by the county commissioners with a dwelling room in the building containing the jail, he shall not be allowed exceeding 40 cents per day for boarding each prisoner.'

Which was adopted.

Mr. Gentry moved to suspend the rule, and read the bill a third time now.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dunlavey, Durham, Farnsley, Ferris, Freeland, Gentry, Goodman, Goótee, Graham, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Howell, Hunt, Jones of Ripley, Laird, Lewis, Lowe, Lines, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Steele, Stephens, Struble, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Dodd, Donelson, Dufour, Dyer, Emery, Fleming, Hamrick, Hooper, Johnson, Jones of Boone, McKinney, Orr, Rockafellar, Simpson, Spencer, Stackhouse, Stockwell, Tanner, and Work—21.

So the rule was suspended and the bill read a third time.

Mr. Chapin moved a call of the House,

Which was not ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Druley, Dunlavey, Durham, Farnsley, Ferris, Freeland, Gentry, Goodman, Graham, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Jones of Boone, Laird, Lewis, Lowe, Martin, McClure, McDonald of Lake, McDon-

nall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Peck-enpugh, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Spencer, Steele, Stephens, Stockwell, Struble, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Dodd, Donelson, Dufour, Dyer, Emery, Ferguson, Fleming, Hammond, Hamrick, Henry, Hooper, Johnson, Jones of Ripley, Lines, Orr, Rockafellar, Shuman, Simpson, Stackhouse, Tanner and Work—21.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Manville obtained leave and made the following report from the committee on Ways and Means.

**MR. SPEAKER:**

The committee on Ways and Means, having been instructed by resolution of the House to report the probable excess of treasury notes redeemed and still outstanding over the amounts reported to have been issued, the amount of State bonds reported to have been redeemed under the State debt arrangement, and the amount of such cancelled bonds returned to the treasury by the Agent of State, and, also, whether any discrepancies exist between the reports of the Agent of State and the books of the Auditor of State in the amount of stocks issued in exchange for such bonds, accompanying such report with a recommendation of such measures as they may deem necessary for a thorough investigation of the matters therein referred to, for the protection of the interests of the State; in compliance with the said resolution, respectfully report, that from the last report of the Auditor of State, it appears that of the 5 per cent. treasury notes there had been redeemed up to the date of that report, exclusive of interest, the sum of..... \$735,170  
While the authorized issue amounted to only..... 722,640

Showing an excess redeemed of.....	\$12,530
Of quarter per cent. treasury notes, the amount redeemed of principal, is stated at.....	\$76,950
Amount of authorized issue,.....	70,000
Showing an excess redeemed of.....	6,950

Making a total loss to the State of..... \$19,480

The committee, from an examination of the books of the Auditor and Treasurer, and by reference to the report of the committee of Ways and Means to the last General Assembly, are satisfied that the

amount of 5 per cent. notes redeemed and now outstanding over the amount of authorized issue, will reach the sum, exclusive of interest, of..... \$18,000

And that the excess of  $\frac{1}{4}$  per cent. notes, will exceed the sum of..... 10,000

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Making a total loss to the State exclusive of interest, of not less than..... \$28,000

In regard to redeemed State bonds, it appears from the report of the Agent of State, that up to November, 1851, there had been redeemed and cancelled, 9,959 bonds, amounting to..... \$9,959,000

The agent, last winter, returned to the office of the State Treasurer, only 5,763 bonds, amounting to..... 5,763,000

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Leaving a deficit of 4,196 bonds, or..... \$4,196,000

Of outstanding State bonds, the Auditor reports the amount at..... \$1,214,000

The Agent of State reports the amount at..... 982,000

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Showing a discrepancy of..... \$232,000

Of new stocks, State and canal, issued in exchange for original State bonds, the Agent of State reports the amount at..... \$13,395,067 00

While the Auditor reports the amount at ..... 13,120,692 50

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Showing a discrepancy of..... \$274,374 50

This extraordinary condition of the stock accounts of the State, in the opinion of the committee, challenges the earnest attention of the General Assembly, and demands immediate and effectual action. By reference to the annual reports of the Auditor of State, it will be seen that that officer has repeatedly called the attention of the General Assembly, to the excess of  $\frac{1}{4}$  per cent. treasury notes, and has advised an investigation of the subject. No action has ever been taken upon this recommendation. Within the past year it has been discovered that a still larger excess exists in the amount of five per cent. notes. The report of the committee of Ways and Means at the last session, makes it highly probable that this excess, so far at least as the  $\frac{1}{4}$  per cent. notes are concerned, does not arise from a re-issue, but that forged notes to a large amount have been put in circulation. It would be wrong as well as impolitic, with the very limited knowledge we have at present on the subject, to hint suspicions, yet it would seem strange indeed if a thorough investigation should not throw some light upon the subject.

Both the Agent of State and the Auditor have repeatedly called the attention of the General Assembly, to the importance of having the stock books of the Agent of State duplicated in the office of the Auditor. The reasons for this are obvious. The State should always be able to keep the acts of her agents under her own eye.

Aside from this, the risk that the books and papers of the Agent of State might be destroyed by fire or other casualty, should admonish us to provide against any such contingency. The books of the Auditor and Treasurer afford no check upon the Agent, not even to detect and correct errors, if any should exist, in his accounts. The Auditor has no knowledge of the operations of the Agent, other than what is furnished to the Legislature in the reports of the Agent. The committee do not think it necessary to dilate upon the necessity for mutual checks in all matters of public accounting.

This is obvious, and is sanctioned by the practice of all States and public institutions. This mutual accounting cannot even be commenced, much less kept up, unless first, a thorough examination be had into the accounts of both offices, and this course is recommended in the last report of the auditor. The large discrepancies between the accounts of the agent and the auditor, renders this particularly desirable at this time.

It is submitted that if there were no other occasion for investigation, sufficient is furnished in the startling fact that the Agent of State is unaware of the disposition made of nearly one half of the bonds reported to have been surrendered to the State under the late arrangement of her public debt. Of the bonds returned to the State Treasury last year, it appears that several had no marks of cancellation upon them; and if this should be true of any portion of those not returned, what assurance have we that they have not found their way into the hands of innocent holders, who may demand to surrender them a second time.

Experience has taught Indiana a dear lesson of the importance of vigilance in regard to her financial operations, and your committee trust that the time for adopting a stricter policy has arrived.

In accordance with the views above expressed, as well as in compliance with the resolution of the House, the committee ask leave to report the accompanying bill and recommend its passage.

No. 219. A bill to provide for the appointment of commissioners to adjust the stock accounts of the State, &c.

Which was read a first time and passed to a second reading.

On motion by Mr. Hamrick,

The report just submitted from the committee on ways and means, was laid on the table and 500 copies ordered to be printed.

By unanimous consent,

Mr. Seawright from the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means have directed me to report the accompanying bill, and recommend its passage :

No. 220. A bill to raise a revenue for State purposes for the year 1853 and 1854.

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following bills of the House:

No. 90. An act to amend the 19th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

No. 112. An act to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

No. 140. An act to correct and define more correctly, the boundary line between the counties of Warrick and Spencer.

No. 204. An act to provide for the distribution of the township law.

Without amendment.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 48. An act to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

Without amendment.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House.

No. 47. A bill to authorize the re-location of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county,

The Governor's veto to the contrary, notwithstanding.

Which I am directed to return to the House.

On motion by Mr. Steele,

Bill of the House No. 205, a bill creating and regulating tenancies by the courtesy and in dower, and prescribing the rate of descents where the intestate dies, leaving a widow or widower, and no issue, and providing for infant children where the dower estate is not sufficient beyond the sustenance of the widow for their maintenance and education, and repealing sections 16, 17, 18, 22, 23, 29, 30 and 31, of an act entitled "an act regulating descents and the



apportionment of estates," approved May 14, 1852, and modifying sections 25 and 26 of the same act,

Was taken from the files and read a third time.

Mr. Hicks moved that the House adjourn,

Which motion did not prevail.

After some discussion on the merits of the bill by Mr. McDonald of Lake,

Mr. Henry moved that the House adjourn.

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Cooper, Dodd, Donelson, Dufour, Emery, Gentry, Gootee, Hammond, Henry, Hicks, McDonald of Lake, McDonnall of Sullivan, Richardson, Ryan, Spencer, Walker of Laporte, Work and Mr. Speaker—19.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Buell, Bundy, Burnett, Catlin, Clark, Donald, Dunlavey, Durham, Ferris, Fleming, Goodman, Graham, Hamrick, Harris, Hartley, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Lowe, Manville, McClure, Milroy, Moss, Orr, Parker, Peckenpough, Pratt, Price, Rockafellar, Scott, Shelby, Shuman, Stackhouse, Steele, Stephens, Thomas, Turpie, Underwood, Walker of Rush and Wilson—48.

So the House refused to adjourn.

On motion by Mr. Spencer,

Leave of absence was granted to the committee on Claims, for the remainder of this afternoon.

The Speaker deciding there was no quorum present, ordered a call of the House.

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Able, Ballard, Brown, Buell, Burnett, Bundy, Catlin, Clark, Dodd, Donald, Donelson, Druley, Durham, Dunlavey, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McKee, Milroy, Orr, Parker, Peckenpough, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—68.

There being a quorum present, Mr. McDonald of Lake proceeded with his remarks.

Mr. Dufour moved that the House adjourn.

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Able, Dufour, Gentry, Gootee, Hartley, Hicks, Manville, McDonald of Lake, McKee, Milroy, Parker, Richardson, Shoemaker, Spencer, Stockwell, Tanner, Work and Mr. Speaker—18.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Buell, Bundy, Burnett, Clark, Dunlavey, Durham, Dyer, Ferris, Ferguson, Fleming, Freeland, Goodman, Hamrick, Harris, Hendricks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, McClure, Orr, Peckenpaugh, Pratt, Read, Rockafellar, Scott, Seawright, Shelby, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Thomas, Turpie, Underwood, Walker of Rush, and Wilson—47.

So the House refused to adjourn.

Mr. McDonald of Lake proceeded with his remarks.

Mr. Read moved that the House adjourn until 7 o'clock this evening.

Which motion did not prevail.

A message from the Senate by Mr. Sites, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House:

No. 107. An act to amend section three of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852.

No. 114. An act for the relief of Henry Pettinger, of Delaware county, and prescribing the duties of the auditor of said county in relation thereto.

No. 115. An act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor,—being an act supplemental to Article 41, Chapter 1, of Part second of the Revised Statutes of 1852.

No. 124. An act to provide for the selection and empanneling of petit jurors in the court of common pleas, and providing compensation therefor,—being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852.

No. 131. An act to legalize irregularities heretofore occurring in the filing of articles of associations of plank road companies.

No. 144. An act for the relief of the inhabitants of township twelve, north of range nine west, in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township.

No. 149. An act authorizing the township trustees in the several townships of this State to administer oaths.

Without amendment.

Mr. Ryan moved that the House adjourn.

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Dufour, Farnsley, Gootee, Hammond, Hicks, Manville, McClure, McDonald of Lake, Parker, Richardson, Stackhouse, Stockwell and Mr. Speaker—13.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brown, Buell, Burnett, Catlin, Donald, Druley, Dunlavey, Durham, Dyer, Emery, Ferris, Ferguson, Fleming, Freeland, Gentry, Goodman, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McDonnall of Sullivan, McKee, Orr, Pratt, Price, Read, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Steele, Stephens, Struble, Thomas, Turpie, Walker of Laporte, and Wilson—53.

So the House refused to adjourn.

Mr. McDonald of Lake proceeded with his remarks.

Mr. Manville moved that the House adjourn.

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Cooper, Dodd, Dufour, Freeland, Gentry, Hicks, McDonald of Lake, McDonnall of Sullivan, Parker, Shoemaker, Stockwell, Work and Mr. Speaker—13.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Buell, Brown, Burnett, Catlin, Clark, Donald, Druley, Dunlavey, Dyer, Ferris, Ferguson, Fleming, Goodman, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McClure, McKee, McKinney, Milroy, Orr, Pratt, Price, Read, Rockafellar, Scott, Seawright, Shelby, Shuman, Stackhouse, Steele, Stephens, Struble, Thomas, Turpie, Underwood, Walker of Rush, and Wilson—54.

Leave of absence was granted to Mr. Torbet for the remainder of the evening, on account of indisposition.

On motion by Mr. Hamrick,  
The bill was laid on the table.

Mr. Manville moved that the House adjourn;  
Which motion did not prevail.

Mr. Ballard gave notice that he would, on Monday, move to amend the rule of the House so that no member would be allowed to speak more than ten minutes on any one subject.

On motion by Mr. Dufour,  
The House adjourned.

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MONDAY MORNING, 8½ o'clock, }  
February 28, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Laird,  
Leave of absence was granted to Mr. Peckenpaugh, for the remainder of the session, on account of sickness.

On motion by Mr. Graham,  
Leave of absence was granted to Mr. Pratt from and after Friday next.

On motion by Mr. Turpie,  
Leave of absence was granted to Mr. Gentry from and after Thursday next, on account of sickness in his family.

On motion by Mr. Dunlavey,  
Leave of absence was granted to Mr. Hammond from and after Wednesday next.

On motion by Mr. Johnson,  
The reading of the Journal of Saturday was dispensed with.

On motion by Mr. Johnson,  
Bill of the House No. 205, a bill creating and regulating tenancies by the courtesy and in dower, and prescribing the rule of descents when the intestate dies leaving a widow or widower, and no issue, and providing for infant children when the dower estate is not sufficient beyond the sustenance of the widow for their maintenance and education, and repealing sections 16, 17, 18, 22, 23, 29, 30 and 31 of an act entitled "an act regulating descents and the appor-

tionment of estates," approved May 14, 1852, and modifying sections 25 and 26 of the same act;

Was taken from the table.

The question being on the passage of the bill,

Mr. Johnson called the previous question;

Which was not seconded by the House.

Mr. McDonald of Lake moved to recommit the bill with the following instructions:

Recommit the bill with instructions to amend as follows: Strike out all after the enacting clause, and insert—Section 1: section 18 of the act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852, shall be amended so as to read as follows: If a widow shall marry a second or any subsequent time, holding real estate in virtue of any previous marriage, such widow may not during such marriage with or without the assent of her husband, alienate such real estate; and if, during such marriage such widow shall die, such real estate shall go to her children by the marriage in virtue of which such real estate came to her, if any there be; and if such widow shall survive the husband of such second or subsequent marriage, and die unmarried, such real estate shall descend to the children of the marriage by virtue of which she held the same.

SEC. 2. Section 24 of said act shall be amended to read as follows, to-wit: If a man die intestate leaving a widow and child or children not exceeding two, the personal property of such intestate shall be equally divided among the widow and children, the widow taking an equal share with one child, but if the number of children exceeds two, the widow's share shall not be reduced below one-third of the whole.

SEC. 3. The twenty fifth section of said act shall be amended to read as follows: If a husband or wife die intestate, leaving no child but having a father and mother, or either of them, then his or her property, real and personal, shall descend one-half to the widow or widower, and one half to the father and mother jointly, or to the survivor of them. And if there be no father nor mother living, then the one-half shall go to the brothers and sisters of the deceased, or their descendants if any there be in equal shares: *Provided*, that if the whole amount of property, real and personal do not exceed one thousand dollars, the whole shall go to such widow or widower: *Provided*, that if a man marry a second or other subsequent wife, and has by her no children, but has children alive by a previous wife, the land which at his death descends to such wife, shall at her death descend to his children, and if he have a child or children by such second or subsequent wife, then to all his children in equal shares.

SEC. 4. Section twenty-six of said act shall be amended to read as follows, to-wit: If a husband or wife die intestate, having no child, and no father or mother, nor brothers or sisters, nor their de-

cedants, the whole of his or her property, real and personal, shall go to the survivor.

Amend the title by substituting the following for the present title:

An act to amend the sixteenth, twenty-fourth, twenty-fifth, and twenty-sixth sections of an act entitled "an act regulating descents and the apportionment of estates, approved May 14, 1852.

Mr. Scott moved to amend the instructions to section 1 as follows:

*Provided*, That such widow, if she sells the real estate before marriage, shall give security for the faithful return of the proceeds of such bond, in case of subsequent marriage by her.

Which was adopted.

The question then recurring on recommitting with the instructions as amended;

And being put,

The ayes and noes were demanded by Messrs. Pratt and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Gootee, Hammond, Handy, Hartley, Hicks, Hunt, Jones of Ripley, Lasselle, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Parker, Richardson, Ryan, Seawright, Shoemaker, Shuman, Spencer, Stackhouse, Stephens, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson and Work—51.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Burnett, Donald, Dyer, Ferris, Goodman, Graham, Greene, Hamrick, Harris, Hendricks, Hooper, Howell, Johnson, Jones of Boone, Laird, Lewis, Lines, Martin, McKee, Orr, Pratt, Price, Rockafellar, Scott, Shelby, Simpson, Steele, Stockwell, Struble, Walker of Rush, and Mr. Speaker—33.

So the bill was recommitted with instructions.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Shuman:

A petition from an individual of Wayne county, asking the repeal of all laws enforcing the observance of the Sabbath;

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Turpie:

A petition from sundry citizens of White county, on the subject of Roads;

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Emery:

Six petitions from sundry citizens of the State of Indiana, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Shuman:

A petition from sundry citizens of Wayne and Fayette counties, asking the abolishment of all laws for the collection of debts contracted from and after the first day of January, 1854;

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Emery:

A petition from James R. Slack, asking compensation for apprehending, securing and conveying Lewis Reeso, a fugitive from justice, from the city of Cincinnati, Ohio, to the county of Huntington, State of Indiana;

Which,

On motion,

Was referred to the committee on Ways and Means.

#### REPORTS.

Mr. Lasselle, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 91, have had the same under consideration, and have directed me to report the same back and recommend that it be laid upon the table, as your committee have reported a bill upon that subject.

The report was concurred in, and the bill laid on the table.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred a resolution of the House on the subject of the fees of clerks, recorders, auditors and treasurers, with instructions to report a bill, if in their estimation the present fee bill required correction, beg leave to report that they had given this subject some attention, when a bill from the Senate came to the House revising the fees of county and township officers generally, and as the whole subject has thus been put in possession of the House, the committee ask to be discharged from further consideration of the subject.

The report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Turpie, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

On behalf of the officers and crew of the vessel "Judiciary," who were ordered on an exploring voyage in search of the lost school funds belonging to certain counties of this State, I have the honor to report that they have searched and sailed diligently in all directions, without hitherto having been able to discover the slightest trace of the missing treasure. The object of the expedition is undoubtedly an important one; so is that of finding a north-west passage to the Indies, and Sir John Franklin. It is thought there is as much probability of either, as of a thaw in Greenland. They beg leave, however, respectfully to suggest that if the search is to be continued any further, a special appropriation is necessary, as they have run short of wood, water, bread and spirits, and are already on half allowance. It is respectfully submitted that as we were passing round Cape Horn, in touching at Sinking Fund Island, a report reached the squadron that some money had been lately found in Australia, understood to be a township in the reserve of New Holland, and it was advertised in the newspapers of the Pacific coast; but not having any means of identifying the same, it is impossible to say whether it be the lost school fund or not,—perhaps some further search in that direction would be profitable. If such be determined upon, it is humbly suggested, that an entirely new outfit be equipped expressly for the purpose, and that the officers and men of the present expedition, now much worn in the service, be discharged.

The report was concurred in.

Mr. Moss, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred Senate



bill No. 82, have directed me to report the same back to the House without amendment, and to respectfully recommend its passage.

The report was concurred in, and the bill read a second time.

Mr. Scott moved to amend the bill as follows: Amend by adding the following section:

SEC. —. That whenever, in any civil cause, a party is compelled to testify, and in such testimony discovers a crime or misdemeanor against himself, such discovery shall not be used against him in a criminal prosecution in any court in this State.

When,

On motion by Mr. Pratt,

The bill and pending amendment was referred to the committee on the Judiciary.

Mr. Pratt, from the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred House bill No. 183, in relation to the construction of bridges over certain navigable streams, and prescribing a penalty for the violation of the same, have had the same under consideration, and instructed me to report the same back to the House with the following amendments, and upon concurrence in the same, to recommend the passage of the bill.

1st. Amend the 1st section, 4th line, by striking out the words "susceptible of navigation," and insert the word "navigable."

2d. Amend the 13th line of 1st section, by inserting the word "unnecessary" before the word "obstruction."

3d. Strike out the 2d section, and insert the following in lieu thereof:

SEC. 2. Said owners or company shall be liable upon a prosecution for a violation of the provisions of this act, to a fine to the State in any sum not exceeding five hundred dollars; and if it appear to the court on trial that said bridge offers a material obstruction to the navigation of said river, and that the interests of the public require its removal, it may form a part of the judgment of the court that the same be abated as a nuisance.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Howell, chairman of the committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee on County and Township Business to whom was referred House bill No. 117 entitled "a bill to provide for a more

uniform mode of changing county boundaries," have had the same under consideration, and a majority have directed me to report the the same back with the following amendment, to-wit:

Strike out the word "all" in the second section and insert the following: "A majority of two-thirds of," and when so amended recommend its passage, and ask leave to be discharged from further consideration of the same.

The amendments were concurred in, and the bill read a second time.

Mr. Freeland moved to reconsider the vote on concurring in the report of the committee.

Which was decided in the negative.

The bill was then ordered to be engrossed.

Mr. Druley, from a select committee, made the following report:

#### MR. SPEAKER:

The select committee to whom was referred bill of the House No. 192, in relation to selling at public auction the interest of the State in the White Water Valley Canal, have had the same under consideration, and a majority are of the opinion that it is inexpedient, and recommend that it be indefinitely postponed, and desire to be discharged from the further consideration of the subject.

And the question being on concurring in the report of the committee, and indefinitely postponing the bill.

The ayes and noes were demanded by Messrs. Ferris and Howell.

#### *Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Hartley, Hendricks, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Stackhouse, Steel, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—69.

#### *Those who voted in the negative were,*

Messrs. Ballard, Brecount, Ferris, Harris, Hunt, Lines, Martin, Rockafellar, Shuman, Simpson and Spencer—12.

So the report was concurred in, and the bill indefinitely postponed.

By unanimous consent,

Mr. McDonald of Lake, chairman of the committee on the Judiciary, obtained leave, and made the following report:

MR. SPEAKER:

The committee on the Judiciary, to which was referred bill of the House No. 205, in relation to amending the law of descents, with certain instructions, have had the same under consideration amended the same as instructed, and directed that it be reported back for the consideration of the House.

The report was concurred in,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Free-land, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hicks, Hooper, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount, and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Ferris, Howell and Lewis—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Manville,

Senate bill No. 42, a bill to appoint J. W. Cummins an agent to proceed to Washington City, and procure the re-adjustment of the three per cent. fund and surplus revenue account of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, to be placed to the credit of the State upon the books of the General Government, and also to provide for his compensation therefor, was taken from the table and placed in the files.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate refuse to concur in the engrossed amendment of the House to Senate bill

No. 53. An act to authorize and regulate suits against the State.

Mr. Chapin moved that the House recede from their engrossed amendment to Senate bill No. 53, contained in the foregoing message.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Pratt.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dunlavey, Durham, Farnsley, Freeland, Goodman, Gootee, Graham, Handy, Hartley, Hendricks, Hicks, Hooper, Laird, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, Milroy, Moss, Parker, Price, Read, Richardson, Scott, Shelby, Stackhouse, Steele, Stephens, Tanner, Turpie, Underwood, Walker of Laporte, Wilson and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Dodd, Donald, Donelson, Druley, Dufour, Dyer, Emery, Ferris, Fleming, Gentry, Greene, Hammond, Harris, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Martin, McClure, McKee, McKinney, Orr, Pratt, Rockafellar, Ryan, Seawright, Shoemaker, Shuman, Spencer, Stockwell, Walker of Rush and Work—39.

So the House receded from their engrossed amendments.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Burnett obtained leave and offered the following resolution:

*Resolved*, That the Speaker be respectfully directed, when representatives live beyond their respective county seats, to allow mileage for the additional number of miles in addition to the allowance as provided in the Statute.

Which was adopted.

On motion by Mr. McDonald of Lake,

House bill No. 177, a bill to amend an act entitled "an act to provide for the valuation and the appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of

assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State," approved June 21, 1852; and to provide for the assessment and taxation of bankers, brokers, stock-jobbers, banks and banking companies.

Was taken from the table and placed on the files.

On motion by Mr. Moss,

House bill No. 166, a bill to regulate the taking of appeals from the court of common pleas, which had been lost for want of a constitutional majority;

Was taken up,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Hartley, Hendricks, Hicks, Howell, Hunt, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Ballard, Hamrick, Pratt and Taber—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Ballard obtained leave and introduced

No. 221. A bill fixing the times of holding the circuit courts in the fifth judicial circuit;

Which was read a first time.

Mr. Ballard moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville,

Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Underwood, Walker of Laporte, Wilson, and Mr. Speaker—76.

*Those who voted in the negative were,*

Mr. Donald—1.

So the rule was suspended.

When,

On motion by Mr. Hendricks,

The bill was read a second time by its title, and ordered to be engrossed.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following resolution :

*Resolved*, That the House concurring, the superintendent of the Indiana Hospital for the Insane, be directed to receive Minerva Webster of Richmond, Indiana, who has recently become insane, into said hospital, and to treat her as others admitted on application.

When,

On motion by Mr. Ferris,

The resolution contained in the foregoing message was laid on the table.

A message from the Senate by Mr. Sites, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 89. An act to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act; with the following engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments to House bill, No. 89, contained in the foregoing message were concurred in.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Bridges,

Bill of the House, No. 176, a bill to prevent the adulteration and

the counterfeiting of ardent spirits, and frauds therein, was taken from the table and placed in the files.

A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 29. An act to enable aliens to take upon certain conditions real estate by descent or devise, to provide for the partition and sale thereof and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto.

No. 36. An act providing for serving process upon the officers, directors, attorneys or agents of any railroad company.

No. 81. An act to amend section 36 of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof, approved May 31, 1852.

No. 85. An act to provide for the investing of the common school fund in the bonds of the State of Indiana.

No. 92. An act to authorize and require clerks of the court of common pleas, in all cases where the proper record books have not been provided in time for the January term of said court, for the year 1853, to transcribe from the original record to the new record books, when provided, and to legalize the same.

No. 100. An act to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852.

No. 105. An act giving to the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over.

No. 108. An act to repeal certain sections of the law incorporating the town of Cleveland in Hancock county.

No. 115. An act declaring what property shall be exempt from execution on contracts made previous to the 4th day of July, 1852, and regulating the manner of claiming the same, by the execution-debtor.

No. 117. An act to provide for the speedy determination by the Supreme Court of the constitutionality of any law of this State.

No. 118. An act authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof.

No. 120. An act granting the right of way to the Ohio and Indianapolis Railroad Company, to construct a road through the grounds of the State surrounding the Asylum for the Deaf and Dumb.

In which the concurrence of the House is respectfully requested.

The House proceeded to the consideration of Senate bills contained in the foregoing message.

Bills No. 29, 36, 81, 85, 100, 105, 108, 115, 117 and 120, contained in the foregoing message, were read a first time and passed to a second reading.

Bill No. 92 was read a first time.

Mr. Orr moved to suspend the rule, and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Dufour, Durham, Farnsley, Ferris, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hartley, Hendricks, Hicks, Howell, Hunt, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Wilson and Work—67.

*Those who voted in the negative were,*

Messrs. Fleming, Hooper, Johnson and Jones of Boone—4.

So the rule was suspended, the bill read a second time and ordered to a third reading.

Bill No. 118, was read a first time.

Mr. Chapin moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Goodman, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Hooper, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McDonald of Lake, McKee, Moss, Parker, Pratt, Read, Rockafellar, Scott, Seawright, Shelby, Shuman, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Underwood, Walker of Laporte, Walker of Rush, Wilson and Work—56.



*Those who voted in the negative were,*

Messrs. Ferris, Greene, Hicks, Hooper, Howell, Johnson, Jones of Ripley, McClure, McKinney, Price, Rockafellar, Shoemaker, Simpson, Tanner and Thomas—14.

So the rule was suspended and the bill read a second time.

Mr. Simpson offered the following amendment:

Strike out "\$5,000," and insert in lieu thereof "\$3,000."

Which was not adopted.

The bill was then ordered to third reading.

By unanimous consent,

Mr. Donelson obtained leave and introduced

No. 222. A bill to amend the charter of the Lawrenceburgh and upper Mississippi railroad company."

Which was read a first time and passed to a second reading.

Mr. Donelson moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlevey, Durham, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Gootee, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McKee, McKinney, Moss, Orr, Parker, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Work and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Hooper, Johnson and Price—3.

So the rule was suspended,

The bill read a second time and ordered to be engrossed.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bill of the House No. 180, and find the same correctly engrossed.

Mr. Hooper, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House Nos. 29, 48, 83, 90, 107, 112, 114, 115, 124, 131, 140, 144, 149 and 204, with the engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Brothwell,  
The House adjourned.

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1½ o'clock, P. M.

House met.

A message from the Senate, by Mr. Sites, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 122. An act fixing the time of holding courts in the third judicial circuit.

No. 123. An act to amend section 13, chapter 1, part 4, vol. 2, of the Revised Statutes of 1852, of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

No. 125. An act to amend an act entitled "an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any circuit, probate, commissioner's, or other interior court of record therein or filed with, or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12, 1852.

In which the concurrence of the House is respectfully requested.

Bills Nos. 122, 123 and 125, contained in the foregoing message, were read a first time and passed to a second reading.

ORDERS OF THE DAY.

*House Bills on third reading.*

No. 175. A bill to provide for the postponement of the Marion circuit court, during a part of the session of the supreme court;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Farnsley, Fleming, Freeland, Gentry, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hooper, Hicks, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Pratt, Price, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Underwood, Walker of Rush, Wilson, Work, and Mr. Speaker—67.

Mr. Gootee voting in the negative—1.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 61. A bill to change the time of holding circuit courts in the second judicial circuit.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Farnsley, Ferris, Fleming, Freeland, Gentry, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Turpie, Underwood, Walker of Rush, Wilson, Work and Mr. Speaker—72.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 67. A bill to authorize justices of the peace to issue subœnas for witnesses to adjoining counties and fixing their fees.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Wilson and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Service and Work—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 207. A bill to amend the charter of the Evansville and Illinois Railroad Company;

Was read a second time and ordered to be engrossed.

No. 208. A bill to prevent railroad companies from changing their depots, except on conditions therein named;

Was read a second time.

On motion by Mr. Tanner,

The bill was referred to a select committee of one from each congressional district, consisting of Messrs. Tanner, Able, Read, Durham, Ferris, Buell, Scott, Chapin, Walker of Laporte, Lasselle and Wilson.

No. 209. A bill in relation to the establishment of ferries;

Was read a second time; and,

On motion by Mr. Chapin,

Referred to the committee on the Rights and Privileges of the Inhabitants of the State.

No. 210. A bill for the relief of Robert W. Dunbar;

Was read a second time, and,

On motion by Mr. Stockwell,

Referred to the committee on Ways and Means.

No. 211. A bill to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto.

Was read a second time and ordered to be engrossed.

#### SENATE BILLS ON SECOND READING.

No. 49. A bill to amend the 5th, 6th, 7th, 13th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, and to further amend said act by supplemental sections thereto, regulating the business of general banking, and defining the duties and power and regulating the duties of the auditor, in connection with the business of general banking;

Was read a second time by its title; and,

On motion by Mr. McDonald of Lake,

Referred to a select committee of five, consisting of Messrs. McDonald of Lake, Stockwell, Pratt, Druley and Chapin.

No. 75. A bill to authorize county treasurers to sell delinquent lands in certain cases to the highest bidder;

Was read a second time.

Mr. Pratt moved to amend the bill by striking out section 4.

Which was agreed to.

And the bill ordered to a third reading.

No. 69. A bill to amend an act to provide for the incorporation of railroad companies, approved May 11, 1852;

Was read a second time; and,

On motion by Mr. Pratt,

Referred to the committee on Corporations.

No. 78. A bill to amend section 95 of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852;

Was read a second time; when,

On motion by Mr. Pratt,

The bill was referred to the committee on the Judiciary.

No. 111. A bill providing for the colonization of free negroes, making appropriations therefor, and establishing an agency;

Was read a second time.

Mr. Turpie moved to refer the bill to the committee on Public Expenditures.

Mr. Dufour moved to change the reference to the committee on Ways and Means,

Which was agreed to, and the bill so referred.

By unanimous consent,

Mr. Henry, chairman of the committee on Claims, obtained leave, and made the following report:

**MR. SPEAKER:**

The committee on Claims, to whom was referred the claim of Hugh Stewart, of Vigo county for three thousand dollars, purporting by him to have been paid, to the Wabash and Eel River Canal Company, organized under an act of the legislature, approved January 28, 1842, have had the same under consideration, and directed me to report; that in the opinion of the committee, this claim should not be paid nor recognized by the State; and, therefore, recommend that the whole matter be laid on the table and the committee discharged from further consideration of this subject.

The report was concurred in and the committee discharged from the further consideration of the subject.

#### HOUSE BILLS ON THIRD READING.

No. 31. A bill to provide for exempting from taxation the property of widows and children in certain cases;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Gootee, Greene, Hammond, Handy, Hartley, Henry, Henton, Hicks, Hooper, Howell, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Richardson, Rockafellar, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stockwell, Struble, Thomas, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Brecount, Hamrick, Hendricks, Johnson, Jones of Boone, Price, Read, Scott, Seawright and Taber—11.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 164. A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois railroad company," approved February 8, 1851.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Cooper, Chapin, Clark, Dodd, Donald, Donelson, Dufour, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Gootee, Greene, Hammond, Hamrick, Handy, Hartley, Henry, Henton, Hicks, Howell, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKimney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Scott, Seawright, Shelby, Shoemaker, Shuman, Stackhouse, Steele, Stockwell, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Hammond and Rockafellar—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 181. A bill to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same in pamphlet form.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hendricks, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Stackhouse, Steele, Stockwell, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—68.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 185. A bill to authorize turnpike, McAdamized, and plank-road companies to erect toll gates at distances not less than two miles apart and receive tolls thereat.

Mr. Henton moved to reconsider the vote, ordering the bill to a third reading.

Which was agreed to.

When,

On motion by Mr. Henton,

The bill was laid on the table.

No. 195. A bill to repeal an act entitled "an act to regulate the sale of spiritous liquors in the county of Tippecanoe," approved February 13, 1851.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Greene, Hammond, Hamrick, Handy, Hendricks, Henry, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, Orr, Parker, Pratt, Price, Richardson, Scott, Seawright, Shelby, Shoemaker, Stackhouse, Stockwell, Taber, Tanner, Turpie, Underwood, Walker of Laporte, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Ferris, Gootee, Martin, Rockafellar and Shuman—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 197. A bill amendatory of an act entitled "an act to provide for the appointment of a commissioner, to superintend the fencing of the Tippecanoe Battle Ground," approved April 28, 1852.

Was read a third time,

Mr. Lasselle moved to recommit the bill with instructions to provide for fencing the old fort in the city of Fort Wayne:

Which motion did not prevail.

And the question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Able, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dufour, Dyer, Farnsley, Fleming, Gentry, Goodman, Greene, Hamrick, Harris, Hendricks, Johnson, Laird, Lines, McKee, Milroy, Pratt, Read, Ryan, Scott, Shelby, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Brothwell, Catlin, Donald, Druley, Dunlavey, Durham, Emery, Ferris, Freeland, Gootee, Graham, Hammond, Handy, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, McKinney, Parker, Price, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Shuman, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Wilson, and Work—50.

So the bill did not pass.

No. 202. A bill to amend section one of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20th, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Donald, Donelson, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Burnett, Dyer, Hammond, Manville and Parker—5.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

## HOUSE BILL ON SECOND READING.

No. 212. A bill regulating the practice of physic and surgery within the State of Indiana,

Was read a second time.

Mr. McDonald of Lake moved to amend as follows:

Insert in proper place, 'and also license lawyers not exceeding two in each county, and also to grant license, to all who they shall think ought to be married, and no others shall be married.

Mr. Johnson moved to refer the bill and amendment to the committee on Military Affairs.

Mr. Graham moved to change the reference to the committee on Swamp Lands.

Which was not agreed to.

Mr. Hamrick moved to change the reference to the committee on the Rights and Privileges of the Inhabitants of the State.

Which was agreed to, and the bill and amendment so referred.

No. 213. A bill to authorize and request the governor to exchange the revised statutes, laws, documentary journals and reports of the supreme court of this State, with those of the other States of the Union.

Was read a second time.

Mr. Ferris moved to refer the bill to the committee on the Judiciary.

Which was not agreed to, and the bill ordered to be engrossed.

No. 214. A bill for the distribution of the census reports of 1840 and 1850, to the different counties.

Was read a second time and ordered to be engrossed.

No. 215. A bill authorizing the State Librarian to make out a properly classified catalogue of the books, papers, &c., in the State Library.

Was read a second time and ordered to be engrossed.

By unanimous consent,

Mr. Shelby obtained leave and offered the following resolution:

*Resolved*, That the Clerk of the House be instructed to prepare a list of all bills that have passed the General Assembly during their present session, as soon after the adjournment on Friday evening as possible, and to have two hundred copies of the same printed, and distributed among the members of this House before their final adjournment, and that the clerk be instructed to mail two copies of the list to each of the members who shall have gone home before the final adjournment on Monday next.

Mr. Stackhouse moved to amend by adding "at the expense of each member."

Which was not agreed to.

The question then recurring on the original resolution, it was adopted.

## SENATE BILLS ON SECOND READING.

No. 77. A bill to provide for the election, fixing the compensation, and prescribing the duties of attorney general for the State of Indiana.

Was read a second time.

Mr. Johnson moved to refer the bill to the committee on Military Affairs.

Which was not agreed to.

When,

On motion by Mr. Graham,

The bill was laid on the table.

No. 103. A bill to increase the salary and the amount of the bond of the State Librarian.

Was read a second time, and,

On motion by Mr. Pratt,

The bill was indefinitely postponed.

## HOUSE JOINT RESOLUTION ON SECOND READING.

No. 29. A joint resolution in regard to the Industrial Exhibition to be held in New York in May next, and in New Orleans in February, 1854.

Was read a second time, and ordered to be engrossed.

## HOUSE BILLS ON THIRD READING.

No. 165. A bill fixing the salary of the Chaplain of the State Prison, providing the manner of paying the same, and repealing the 13th clause of the 1st section of an act entitled "an act relating to the salaries of public officers, and providing the manner of paying the same," approved June 18, 1852.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brown, Bundy, Chapin, Cooper, Dodd, Dufour, Ferris, Fleming, Freeland, Goodman, Harris, McKee, McKinney, Read, Shelby, Shuman, Steele, Walker of Laporte, Work, and Mr. Speaker—23.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Brothwell, Buell, Burnett, Catlin, Clark, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery,

Farnsley, Gentry, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, Milroy, Orr, Pratt, Price, Richardson, Rockafellar, Ryan, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Walker of Rush and Wilson—62.

So the bill did not pass.

No. 167. A bill providing for the admission of certain classes of insane persons into the Indiana Hospital for the Insane.

Was read a third time.

When,

On motion by Mr. Graham,

The bill was indefinitely postponed.

No. 171. A bill supplemental to an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.

Was read a third time,

And the question being, "shall the bill pass?"

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Rockafellar, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—84.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 182. A bill requiring draw-bridge companies to keep lights at night.

Was read a third time,

Mr. Shelby moved to indefinitely postpone the bill.

Which was decided in the negative.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Catlin, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Henry, Henton, Hicks, Howell, Hunt, Johnson, Laird, Lasselle, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Richardson, Scott, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Chapin, Clark, Donelson, Emery, Hooper, Jones of Ripley, Manville, Rockafellar, Ryan, Shuman and Shelby—11.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Lines obtained leave and offered the following resolution :

**WHEREAS**, This House did appoint a committee on the State Prison, and, whereas, said committee did visit said prison some days since, therefore,

*Resolved*, That said committee be directed to report the result of their discovery and examination whereby this House may know what the condition of said prison and prisoners are, and what repairs in their opinion is necessary to promote the happiness of said inmates.

Which was adopted.

**No. 187.** A bill to authorize the clerks of the circuit courts and common pleas courts to administer oaths in business pertaining to said courts, and all other oaths required under the laws of the State of Indiana.

Was read a third time,

When,

On motion by Mr. Dunlavey,

The bill was indefinitely postponed.

**No. 200.** A bill supplemental to an act entitled an act for the more uniform mode of doing township business, approved May 6, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brown, Buell, Bundy, Burnett,

Chapin, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Spencer, Stackhouse, Stephens, Stockwell, Struble, Tanner, Taber, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Brecount, Shoemaker and Shuman—3.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Turpie,

House bill No. 174, a bill to provide that the stocks of companies, corporations and bodies politic, organized under the laws of this State, whose principal office or president is within the same, shall not be listed by persons holding the same, for taxation against them, in their individual capacity, which had been lost for want of a constitutional majority, was taken up.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dunlavey, Durham, Dyer, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Burnett, Donald, Ferris, Henry, Lasselle, Lines, Shuman, Spencer, Stockwell and Taber—11.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

## SENATE BILLS ON THIRD READING.

No. 73. A bill to amend the 17th section of an act entitled an act prescribing who may make a will, and the effect thereof, what may be devised, regulating the revocation, and admission to probate and contest thereof.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—82.

Mr. Donelson voting in the negative.

No. 68. A bill to fix the price of the Indiana reports.

Was read a third time,

When,

On motion by Mr. Milroy,

The bill was indefinitely postponed.

## HOUSE BILLS ON SECOND READING.

No. 217. A bill repealing the laws in force, local to Fulton county, giving conclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county the laws relating to the jurisdiction and punishment of such misdemeanors as contained in the Revised Statutes of 1852;

Was read a second time.

Mr. Shoemaker moved to refer the bill to the committee on the Judiciary.

Which was not agreed to, and the bill ordered to be engrossed.

No. 216. A bill to amend an act entitled an act to incorporate the town of Plymouth, in Marshall county, Indiana, to extend the limits of said town to out-lots for purposes of taxation, to require

non-residents to pay license for selling at private sale goods, wares or merchandize in said town. to empower the president and trustees of said town to order a re-survey of streets, alleys and drains in said town, to allow fifty per centum damages upon sales of property delinquent for non-payment of taxes;

Was read a second time and ordered to be engrossed.

A message from the Senate, by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House No. 97, an act amendatory of the second section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned of June 18, 1852, without amendment.

#### HOUSE BILLS ON THIRD READING.

No. 169. A bill supplemental to an act entitled "an act to regulate the sale of the swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," this act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands, and to enable purchasers to purchase forty acre lots, and to grant pre-emptions in certain cases to occupiers of the swamp lands;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Clark, Donald, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Greene, Hammond, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Price, Read, Richardson, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—71.



*Those who voted in the negative were,*

Messrs. Burnett, Donelson, Dufour, and Jones of Boone—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 170. A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase thereof is deceased;

Was read a third time.

And the question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Clark, Donald, Donleson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Handy, Harris, Hartley, Hicks, Hunt, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, McKee, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Shelby, Shoemaker, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Hammond, Hendricks, Henry, Henton, Johnson, Seawright and Spencer—7.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Work obtained leave and presented a petition from 72 males and 74 females of the State of Indiana, on the subject of temperance;

Which was referred to the committee on Temperance.

No. 191. A bill to amend sections 34 and 35, of chapter 108, of the Revised Statutes of Indiana of 1852;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Dufour, Durham, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee,

Graham, Greene, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Pratt, Price, Read, Richardson, Rockatellar, Scott, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, and Wilson—69.

*Those who voted in the negative were,*

Messrs. Henton, Ryan, Shelby, Stackhouse, Work, and Mr. Speaker—6.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 206. A bill to regulate the assignment of dower.

On motion by Mr. Hendricks,

The vote ordering this bill to be engrossed was reconsidered.

When,

On motion by Mr. Hendricks,

The bill was laid on the table.

On motion by Mr. Spencer,

The vote by which the title to House bill No. 191 was adopted, was reconsidered; when

Mr. Spencer moved to amend the title so as to read:

A bill supplemental to an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers, and declaring their duties," approved June 11th, 1852.

Which was agreed to.

#### SENATE BILLS ON THIRD READING.

No. 20. A bill to amend sections 20, 24, 31 and 32, of an act entitled "an act to provide for the opening, vacation and change of highways," approved June 17th, 1852,

Was read a third time, when,

On motion by Mr. Spencer,

The bill was laid on the table.

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining the duties, and fixing the compensation of each master commissioner,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brown, Buell, Bundy, Burnett, Chapin, Clark, Donald, Dunlavey, Dyer, Farnsley, Ferris, Gentry, Goodman, Gootee, Graham, Greene, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hooper, Howell, Johnson, Jones of Ripley, Laird, Lasselle, Lewis, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, McKee, Milroy, Orr, Parker, Pratt, Read, Richardson, Scott, Seawright, Shoemaker, Spencer, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Donelson, Druley, Durham, Fleming, Freeland, Henry, Hunt, Jones of Boone, Lowe, Price, Rockafellar, Ryan, Shuman, Stackhouse, Taber, Thomas, and Work—20.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

## HOUSE BILLS ON SECOND READING.

No. 218. A bill making general appropriations for the years 1853 and 1854,

Was read a second time; when,

On motion by Mr. Spencer,

The bill was referred to a select committee of one from each congressional district, consisting of Messrs. Spencer, Stockwell, Catlin, Manville, Simpson, Ferris, Buell, Scott, Chapin, Turpie and Henry.

No. 219. A bill to provide for the appointment of commissioners to examine the offices of Agent, Auditor and Treasurer of State, to adjust the stock accounts of the State, and to investigate any frauds in the issue of treasury notes, and for the compensation of such commissioners.

Was read a second time.

Mr. Donelson moved to refer the bill to a select committee of one from each congressional district.

Which motion did not prevail.

The bill was then ordered to be engrossed.

No. 220. A bill to raise a revenue for State purposes for the years 1853 and 1854.

Was read a second time; when,

On motion by Mr. Buell,

The bill was made the special order for to-morrow at 10 o'clock, A. M., in committee of the whole House.

Mr. Buell moved to reconsider the vote referring bill No. 218, making general appropriations for the years 1853 and 4, to select committee of one from each congressional district.

Which was not agreed to.

#### SENATE BILLS ON THIRD READING.

No. 89. A bill to amend an act entitled an act for the incorporation of cities approved June 1852.

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Ryan, Scott, Seawright, Shoemaker, Shuman, Spencer, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker.—76.

*Those who voted in the negative were,*

Messrs. Rockafellar, Shelby, Simpson, Stackhouse, and Work—5.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 72. A bill requiring county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Free-

land, Gentry, Goodman, Gootee, Graham, Greene, Handy, Harris, Hartley, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Struble, Taber, Thomas, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Henry, Lasselle, McKee, Spencer, and Work—5.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Stockwell,

House bill No. 125, a bill to provide for a geological survey of the State.

Was taken from the table and placed in the files.

On motion by Mr. Manville,

The House adjourned.

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TUESDAY MORNING, 8½ o'clock, }  
March 1st, 1853. }

House met pursuant to adjournment.

Mr. Dufour in the chair.

On motion by Mr. Lowe,

The reading of the Journal of yesterday was dispensed with.

On motion by Mr. Parker,

Leave of absence was granted to Mr. Moss for the remainder of the session on account of sickness.

On motion by Mr. Pratt,

Leave of absence was granted to Mr. Graham from and after Friday next.

On motion by Mr. Gootee,

Leave of absence was granted to Mr. Ferguson for the remainder of the session on account of sickness.

REPORTS.

Mr. Pratt, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred House bill No. 106, supplying the omissions in the Revised Statutes of 1852, have had the same under consideration and have instructed me to make the following amendments, and upon their adoption to recommend the passage of the bill:

1st. Amend the title so as to read as follows:

"A bill giving validity to the alterations made, and omissions supplied in the Revised Statutes and the Code of Civil and Criminal Practice of 1852, by the persons superintending the publication of the same."

2d. Amend the bill by inserting the following preamble:

WHEREAS, In the publication of the Revised Statutes, and Code of Practice, of the year 1852, in pursuance of an act approved June 18, 1852, entitled "an act in relation to the printing and distribution of the Revised Statutes, and the Code of Civil and Criminal Practice," the persons superintending the publication of the same have supplied divers omissions, and in some cases substituted other words than those in the enrolled bills, in order to aid the sense, which additions are indicated in brackets [thus], AND WHEREAS, doubts exist whether the parts thus supplied are binding as law, therefore,

3d. Amend the bill by striking out all from the enacting clause, and inserting the following in lieu thereof:

*Be it enacted by the General Assembly of the State of Indiana,* That the omissions thus supplied, and the alterations thus made, as indicated in brackets [thus], be and the same are hereby declared part of the several acts in which they are inserted, and to possess the same validity as is found in said enrolled bills.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 193, and pending amendment, have examined the same and direct me to make the following report:

The bill proposes to make it the duty of the Secretary of State to collect and arrange all general laws, enacted prior to the revision of 1852, and continued in force by that revision, and append the same to the volume of the acts of the present session, together with copious index and side notes, and to allow the Secretary of State therefor, a compensation to be determined by the Governor, Auditor and Treasurer of State.

Your committee are of the opinion that this bill would devolve upon the Secretary of State a very difficult duty in determining what laws it would require to be re-published. If he should give to the bill a liberal construction, the re-published laws would make up a large volume, and a great expense to the State would result.

A large portion of the laws continued in force by the Revised Statutes of 1852, are local and special in their nature, though declared to be public, and many of them, though general in their nature, are upon such subjects that a recurrence to them would rarely be necessary; though it would certainly be convenient particularly to the legal profession, to have the laws judiciously collected and arranged in a separate volume, yet as they are all contained in the printed volume of the laws of the State, to which access is easy, your committee think that the utility of the proposed re-publication would not justify the expense that would attend it. They therefore, respectfully recommend that the bill and pending amendment be indefinitely postponed.

The report was concurred in, and the bill and pending amendment indefinitely postponed.

Mr. Scott, from the committee on the Judiciary, made the following report:

#### MR. SPEAKER:

The committee to whom Senate bill No. 82 was referred, a bill amending certain sections of the practice act of 1852, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, to-wit:

Strike out all but section 3 and 11, and adopt the amendment or additional section of the House, and with this amendment recommend its passage; also, amend the title as follows to-wit:

Strike out the words "4th, 5th, 37th, 47th, 49th, 53d, 58th, 67th, 81, 799," and add the following: "and to prevent the testimony of parties in civil cases, from being used against them in criminal prosecutions."

Amend by adding the following section:

SEC. —. That whenever in any civil cause, a party is compelled to testify, and in such testimony discovers a crime or misdemeanor against himself, such discovery shall not be used against him in any criminal prosecution in any court in this State.

The report was concurred in, the amendment adopted, and the bill ordered to a third reading.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred House bill No. 85, "a bill to amend the civil code of 1852," have had the same under consideration; but having perfected another bill of the same subject-matter, which they have this morning reported to the House recommending its passage, they recommend that the first named bill lie on the table.

The report was concurred in, and the bill laid on the table.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred Senate bill No. 78, an act to amend section 95 of an act entitled "an act to provide for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, have considered the same, and directed me to report it back, and recommend its passage. The committee ask to be discharged from the further consideration of the subject.

The report was concurred in, and the bill ordered to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom was referred House bill number 159, a bill giving courts of common pleas concurrent jurisdiction with other courts in cases of divorce, bastardy, and surety of the peace, have had the same under advisement, and have directed me to report the same back with the following amendments, to-wit: Strike out of said bill all that relates to divorces. Also strike out of said bill all that relates to taking appeals in cases of surety of the peace, and with this amendment to recommend its passage.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.



A message from the Senate by Mr. Sites their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bills of the House:

No. 99. An act supplemental to an act entitled an act for the relief of certain persons therein named.

No. 109. An act to amend an act entitled an act to incorporate the Cannelton Steam Mill and Manufacturing Company, approved February 16, 1848—changed to the name of the Troy Manufacturing Company by an act approved January 15th, 1849—to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton,

Without amendment.

Mr. Scott, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee to whom House bill No. 183 was referred, a bill concerning defective records, have had the same under advisement, and a majority of said committee present have directed me to report the same back to the House without amendment, and recommend its passage.

When,

On motion by Mr. McDonald of Lake,

The report and bill were laid on the table.

Mr. Hendricks, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 190, entitled an act amendatory to chapter 4 of the code of civil practice, have had the same under consideration, and have directed me to report the bill back to the House with the recommendation that it be indefinitely postponed. In the opinion of the committee no further legislation on the subject embraced in the bill is necessary.

The report was concurred in and the bill indefinitely postponed.

By unanimous consent,

Mr. Graham, from a select committee, obtained leave and made the following report:

333  
**MR. SPEAKER:**

The committee on Colonization who were instructed to bring in an appropriation bill for the year 1853-'54, have had the same under consideration, and respectfully represent, that Senate bill No. 111, now before the House, provides for the required appropriation and prosecution of the work of colonization; and that we approve of its provisions and recommend its passage without amendment, and beg to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Buell chairman of the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means have directed me to report the accompanying bill, making specific appropriations for the year 1853, and recommend its passage;

No. 223. A bill making specific appropriations for the year 1853.

Mr. Struble moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—87.

No person voting in the negative.

So the rule was suspended; and,

On motion,

The bill read a second time by its title.

Mr. Spencer moved to amend as follows:

Strike out four dollars and insert three dollars for all the clerks of the House and clerks of the committees.

Mr. McDonald of Lake moved to amend the amendment to read as follows:

Strike out four dollars and insert three dollars for all clerks of the committees.

And the question being put;

The ayes and noes were demanded by Messrs. Spencer and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Fleming, Goodman, Gootee, Hartley, Henton, Hicks, Hooper, Lasselle, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Parker, Price, Richardson, Ryan, Shoemaker, Steele, Tanner, Thomas, Turpie, Underwood, Walker of Laporte and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Brothwell, Donald, Donelson, Farnsley, Ferris, Freeland, Gentry, Greene, Hammond, Handy, Harris, Hendricks, Henry, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lines, McKinney, Orr, Pratt, Read, Rockafellar, Shelby, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Walker of Rush and Wilson—36.

So the amendment to the amendment was adopted.

The question then recurring on the amendment as amended, It was adopted.

Mr. Freeland offered the following amendment:

Amend so that the clerks of the committees shall receive three dollars per day for all the time employed with their respective committees.

Mr. Ryan offered the following amendment to the amendment:

The clerks of the committees be allowed three dollars per day while in actual attendance, to be certified by the chairman of the respective committees.

Which was not agreed to.

When,

On motion by Mr. Steele,

The amendment was laid on the table.

Mr. Buell moved to amend by adding the following section:

SEC. — That Benjamin W. Gun, ——— Layton, ——— Tucker, Margaret McElhany, Daniel G. Young, Martha Jones, John Jones,

Uriah Wilcott, Isaac Parker, Joseph Gun, James Campbell, John Overman, Jesse Brown, Joseph Price, be allowed each the sum of thirteen dollars; Margaret McElhany, Andrew Evans, R. L. McIntire, John Price, be allowed the sum of ten dollars; Robert Alexander and Amos Pettyjohn eight dollars, for expenses in attending as witnesses at the Marion Circuit Court upon the trial of Hervey Moore, upon a charge of murder, upon a change of venue from Tipton county.

Mr. Pratt moved to amend the amendment by making the provisions of the bill general to all cases of witnesses in State cases.

Which was adopted.

The question then recurring on the amendment as amended, The ayes and noes were demanded by Messrs. Pratt and Parker.

*Those who voted in the affirmative were,*

Messrs. Ballard, Buell, Bundy, Burnett, Cooper, Donald, Dyer, Freeland, Gentry, Goodman, Graham, Handy, Hunt, Laird, Lasselle, Manville, and Parker—17.

*Those who voted in the negative were,*

Messrs. Able, Brecount, Bridges, Brown, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavy, Durham, Emery, Farnsley, Ferris, Fleming, Gootee, Greene, Harris, Hendricks, Henry, Henton, Hicks, Hooper, Howell, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Wilson, Work, and Mr. Speaker—63.

So the amendment was not adopted.

Mr. Buell moved to amend by adding the following sections:

SEC. —. That John D. Defrees be allowed the sum of four hundred and fifty-eight dollars and fifty cents for newspapers furnished the Legislature.

SEC. —. That A. H. Brown be allowed the sum of four hundred and fifty-eight dollars and fifty cents for newspapers furnished the Legislature.

Which was adopted.

Mr. Seawright moved to amend by adding the following section:

SEC. —. That John H. Thompson, late Secretary of State, be allowed the sum of fifty cents each for all deeds prepared by him for university, saline, and Michigan road lands, payable out of those

respective funds; also fifty cents each for certifying, sealing and transmitting copies of joint resolutions to Senators and Representatives in Congress, and five cents each for affixing the seal of State to blank bonds under the State debt arrangement of 1846-7, to be ascertained and certified by the Secretary of State.

Which was agreed to.

The bill was then ordered to be engrossed.

By unanimous consent,

Mr. Chapin, from the joint committee on the State Prison, obtained leave and made the following report:

**MR. SPEAKER:**

The joint committee on the State Prison have, in obedience to a resolution of both Houses, visited the State Prison at Jeffersonville, and discharged the duties assigned them. They have instructed me to make the following report:

The committee visited the grounds, the cells, the workshops, and the various departments of the prison. They endeavored, by inquiry and careful personal inspection, to obtain information upon the various subjects to which the resolution refers.

The committee do not deem it necessary to incorporate in this report any statistical information. The act for the regulation of the penitentiary requires the Warden to report to the General Assembly at each session, a statement showing the condition of the prison. The committee refrain from adding any particulars to those embraced in the report of that officer, laid before the General Assembly at the present session. They deem it, however, proper to invite the serious attention of the Legislature to the general economy of the establishment, and to the urgent necessity which exists for legislation, to improve the grounds, and to construct such an increased number of cells as the health and increased number of the convicts require.

It is made the duty of the Warden to prescribe rules for the government and police of the prison. The committee are of the opinion that the existing rules are well adapted to secure the objects in view, and that no change in them is necessary. No system, however wisely conceived, can be of any avail unless it be faithfully executed. The duty of enforcing the rules devolves entirely on the Warden; and the committee feel constrained by their convictions of duty, to say that the evidence of remissness and negligence of duty on the part of that officer is such, that they cannot with propriety pass it over in silence.

The provisions are, in general, wholesome. The prisoners are provided with comfortable clothing, and the substantial necessities of life. There should, however, be more cleanliness observed in the preparation of their food. In one instance they were fed with taint-

ed meat; but the committee are persuaded that it resulted from inadvertance, and not from design. Good order and subordination are exacted from the prisoners; and they are brought into habits of regularity and industry. An unreasonable amount of labor is not required from them; but a more exact system, in this respect, is to be desired. Their beds are not so good, nor are they kept in so cleanly and comfortable a condition, as the health of the inmates require. Their cells are, mostly, in a filthy condition. This is to be ascribed in part to the state of the grounds within the enclosure, but a stricter regard to the cleanliness of the cells where the convicts sleep, is indispensably necessary; during the summer season, there is imminent danger that a fatal epidemic might result, if a thorough reformation in this part of the economy of the establishment is not carried into effect. With a view of better securing the health and comfort of the convicts, and to enable the Warden to exact more readily cleanliness in the cells, some improvements on the grounds are necessary. The grounds within the walls are not paved or McAdamized, nor are sufficient means for drainage provided. At all times this state of things is attended with serious inconvenience, and during the rainy and warm seasons, it may prove injurious to the health of the prisoners. Your committee, are therefore, of the opinion that the grounds should be paved or McAdamized at an early day; and such improvements should be made as that a thorough drainage should be at all times secured. The number of convicts being greater than the number of cells, your committee are of opinion that an additional number should be erected, sufficient to meet the present necessities of the inmates. An increase of population and wealth may, it is true, be attended with an increase of crime; in view of which probability, it is the part of wisdom to resort to all proper means to promote the efficient administration of criminal justice; but as houses of refuge are likely to be established, as contemplated in the — section of the — article of the constitution, your committee are of opinion, that there is no immediate necessity of an extension of the prison buildings, further than to erect the cells above recommended, as it is probable that many offenders who have heretofore been sentenced to the State prison will, in future, be sent to the house of refuge. If, besides, under the new Revised Statutes, which will go into effect in a short time, imprisonment in the county jail may be substituted for imprisonment in the State prison, in many cases where such discretion has not, heretofore, been given; but if the number of convicts should continue steadily to increase, your committee are of opinion that it would be better policy for the State to erect a new prison at some eligible point in the northern portion of the State, than to appropriate from year to year the considerable sums which have heretofore been deemed necessary for the improvement and extension of the prison at Jeffersonville.

The committee, furthermore, beg leave here to record their opinion against the propriety of leasing the prison, after the expiration of the present lease.

They believe that, aside from considerations of economy, which would certainly be promoted by a change, the system is egregiously wrong in principle, and should not be continued.

Which was informally laid on the table.

The hour having arrived for the special order, the House went into committee of the whole on House bill No. 220, a bill for the raising State revenue for years 1853 and 1854.

Mr. McDonald of Lake in the chair.

After remaining in session some time, the committee rose and made the following report, through Mr. McDonald their chairman.

**MR. SPEAKER :**

The committee of the whole House, to whom was referred House bill No. 220, a bill for the raising of State revenue for years 1853 and 1854, after considering the same have directed me to report the same back to the House with one amendment, and ask to be discharged from the further consideration thereof.

Amend section 1 by striking out 20 where it occurs and insert 15.

The question being on concurring in the amendment reported by the committee,

The ayes and noes were demanded by Messrs. Hicks and Graham.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Donelson, Dyer, Emery, Farnsley, Ferris, Fleming, Free-land, Goodman, Graham, Greene, Hammond, Handy, Harris, Hendricks, Henry, Hicks, Hooper, Hunt, Johnson, Jones of Ripley, Laird, Lewis, Lines, Lowe, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Taber, Thomas, Turpie, Underwood, Walker of Rush, Wilson, and Work—57.

*Those who voted in the negative were,*

Messrs. Buell, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Dunlavey, Gentry, Hartley, Henton, Howell, Jones of Boone, Lasselle, Manville, McDonald of Lake, Orr, Scott, Seawright, Shelby, Shoemaker, Stockwell, Struble, Tanner, Walker of Laporte, and Mr. Speaker—26.

So the report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Tanner from a select committee, obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 208, have had the same under consideration, and have directed me to report the same back with one amendment, and ask to be discharged from the further consideration thereof.

Add the following proviso:

*Provided*, That nothing herein contained shall be construed to prevent any railroad company having authority so to do, and not prohibited by any law of this State, from running a freight track to said river.

The report was concurred in and the amendment adopted.

On motion by Mr. Read,

The bill was considered as engrossed and read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell. Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Goodman, Gootee, Graham, Hammond, Handy, Hartley, Harris, Hendricks, Henry, Hicks. Hooper, Hunt, Jones of Ripley, Laird, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Parker, Pratt, Price, Read, Richardson, Scott, Stackhouse, Steele, Stephens, Stockwell, Struble, Thomas, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Donald, Donelson, Ferris, Freeland, Greene, Henton, Howell, Johnson, Lewis, Lines, McClure, Orr, Rockafellar, Ryan, Seawright, Service, Shelby, Shoemaker, Simpson, Taber, Tanner and Walker of Rush—22.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Thomas from a select committee obtained leave and made the following report.



MR. SPEAKER :

The select committee to whom was referred House bill No. 198, in relation to the boundary line of Starke county, have had the same under consideration, and a majority of said committee have directed me to report that it will be seen, by reference to an act passed 17th February, 1838, the following was made the boundary of said county, to-wit: Beginning at the north-west corner of township 34, north of range 4 west, thence south with the meridian line eighteen miles; thence west twenty-four miles; thence north with the line dividing ranges 4 and 5 west, eighteen miles to the place of beginning: that at the session of the General Assembly of 1841-2, three townships of said boundary, and the north-west corner of townships 33, 3 west, and 34, 2 west, were attached to Laporte county. Since which time the said county of Starke has been organized, and as her present limits are below the Constitutional number of square miles, and as the restoration of her original boundary will not reduce the number of square miles of Laporte county, in the opinion of a majority of this committee the bill now pending to restore the same ought to pass. They therefore directed me to report the same back and recommend its passage.

Mr. Walker of Laporte moved to lay the report and bill on the table until a petition is received on the subject.

The question being put,

The ayes and noes were demanded by Messrs. Brown and Thomas.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bundy, Chapin, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Gootee, Graham, Hammond, Harris, Hendricks, Hunt, Jones of Ripley, Lasselle, Lewis, Lowe, Manville, McClure, McDonald of Lake, Read, Rockafellar, Shuman, Simpson, Spencer, Underwood, Walker of Laporte, Wilson, and Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Brown, Burnett, Dodd, Donald, Dyer, Goodinan, Greene, Henry, Henton, Hicks, Hooper, Howell, Johnson, Lines, Martin, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Pratt, Price, Scott, Seawright, Shelby, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner Thomas, Turpie, Walker of Rush and Work—39.

So the report and bill was laid on the table.

Mr. Milroy, from a select committee, made the following report:

MR. SPEAKER:

The committee on Temperance, to whom was referred resolution of the House requiring a statement of the number of petitioners petitioning this House on the subject of Temperance, have had the same under consideration, and directed me to make the following report:

Number of voters,.....	14,542
Number of Ladies,.....	9,542
Number of Minors,.....	4,520
Whole number of petitioners,.....	27,602

Which is respectfully submitted, and your committee ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Walker, chairman of the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education beg leave to report back to this House the accompanying resolutions, and recommend that they be laid upon the table.

Which was concurred in.

By unanimous consent,

Mr. Dufour obtained leave and offered the following resolution:

*Resolved*, That the House will, the Senate concurring, go into the election of three commissioners for the Indiana Hospital for the Insane, on Wednesday next, at 10 o'clock A. M.

Which was adopted:

By unanimous consent,

Mr. Orr obtained leave and offered the following resolution:

*Resolved*, That the Clerks of this House shall each receive a copy of the journals of this House, and the acts of the General Assembly for the year 1853.

Which was adopted.

By unanimous consent,

Mr. Richardson obtained leave, and offered the following resolution:

*Resolved*, That hereafter this House will meet at 8 o'clock A. M.

Which was not adopted.

By unanimous consent,

Mr. Seawright obtained leave and offered the following resolution:

*Resolved*, That the select committee appointed on the part of the House to examine the general appropriation bill be, and they are hereby directed to report said bill back to the House immediately.

Which was adopted.

By unanimous consent,  
Mr. Ferris, from the committee on Education, obtained leave, and made the following report:

MR. SPEAKER :

The committee on Education, to whom was referred Senate bill No. 70, have had the same under consideration and have directed me to report the same back and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

By unanimous consent,

Mr. Underwood obtained leave and offered the following resolution:

*Resolved*, That the House will, the Senate concurring, go into the election of six trustees for the Asylum for the Deaf and Dumb, and also, six trustees for the Asylum for the Blind, on Thursday next at 2 o'clock, P. M.

Which was adopted.

On motion by Mr. McDonald of Lake,

The vote ordering House bill No. 220 to be engrossed was reconsidered.

When,

On motion by Mr. Stockwell,

The bill was referred to a select committee of five, consisting of Messrs. Stockwell, McDonald of Lake, Steele, Gentry and Seawright

#### ORDERS OF THE DAY.

##### *Senate bills on second reading.*

No. 29. A bill to enable aliens to take, upon certain conditions, real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto.

Was read by its title, and,

On motion by Mr. Graham,

Referred to the committee on the Judiciary.

No. 36. A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company.

Was read a second time; and,

On motion by Mr. Hendricks,

Referred to the committee on the Judiciary.

No. 85. A bill to provide for the investing of the common school fund in the bonds of the State of Indiana,

Was read a second time; when,

On motion by Mr. McDonald of Lake,

The bill was indefinitely postponed.

No. 81. A bill to amend section 36 of an act entitled "an act prescribing who may make a will, the effects thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31st, 1852.

Was read a second time and ordered to a third reading.

#### SENATE BILL ON THIRD READING.

No. 92. A bill to authorize and require clerks of the courts of common pleas, in all cases where the proper record books have not been provided in time for the January term of said court, for the year 1853, to transcribe from the original records into the new record books, when provided, and to legalize the same.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Buell, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dunlavey, Durham, Emery, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Hammond, Harris, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Manville, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Scott, Seawright, Shelby, Shoemaker, Shuman, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Work and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Brecount, Rockafellar, Simpson, Taber and Wilson—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Milroy moved the House adjourn.

Which motion did not prevail.

By unanimous consent,

Mr. McKee obtained leave and offered the following resolution:

*Resolved*, That as many of the members of this House have lost the Statutes placed on their desks, and as they believe the same have been taken by some graceless scamps not having the fear of God before their eyes, and being instigated by the devil; therefore, be it

*Resolved*, That they be requested to return said volumes instantler, as they have had sufficient time to repent of this their sin.

Which was adopted.

## SENATE BILLS ON SECOND READING.

No. 100. A bill to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852,

Was read a second time; and,

On motion by Mr. McDonald of Lake,

Referred to the committee on the Judiciary.

No. 120. A bill granting the right of way to the Ohio and Indianapolis railroad company to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb,

Was read a second time.

Mr. Work moved to amend by adding the following:

SEC. 2. *And be it further enacted*, That a right of way is hereby granted through any swamp lands belonging to the State, to any railroad company organized or to be organized under the laws of this State, such right of way to be of the width of one hundred feet.

Mr. Druley moved to refer the bill and pending amendment to a select committee of five.

Which was not agreed to.

Mr. Underwood moved to refer the bill to the committee on Benevolent and Scientific Institutions.

Which was not agreed to.

The question then recurring on the adoption of the amendment offered by Mr. Work.

It was adopted, and the bill ordered to a third reading.

No. 105. A bill giving to courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over,

Was read a second time and ordered to a third reading.

No. 108. A bill to repeal certain sections of the law incorporating the town of Cleveland, in Hancock county,

Was read a second time and ordered to a third reading.

No. 115. A bill declaring what property shall be exempt from execution on contracts made previous to the first day of July, 1852, and regulating the manner of claiming the same by the execution-debtor,

Was read a second time; and,

On motion by Mr. McDonald of Lake,

Referred to the committee on the Judiciary.

On motion of Mr. McDonald of Lake,

Leave of absence was granted to Mr. Henton for the remainder of the session, on account of sickness in his family.

No. 117. A bill providing for the speedy determination by the supreme court of the constitutionality of any law of this State,

Was read a second time; and,

On motion by Mr. Manville,  
Referred to the committee on the Judiciary.

The Speaker laid before the House the following communication from the Superintendent of the Institution for the Education of the Blind:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, March 1, 1853. }

*Speaker of Indiana House of Representatives:*

DEAR SIR:—Be so kind as to inform the members of the House of Representatives that the examination of the pupils of the State Institute for the Blind, called for by the General Assembly, will take place this evening, at the Institute, commencing at 7 o'clock, precisely. I send herewith 200 tickets for the use of the Representatives and their principal officers, to be distributed as you may think best.

As the accommodations for an audience at the Institute are limited, and as it is desirable that the members of the General Assembly shall have an opportunity to witness the examination without being crowded out of their seats, they will of course see the propriety of inviting no more persons to accompany them than the tickets will provide for.

Yours, very respectfully,

W. H. CHURCHMAN,

*Sup't. Indiana Institute for the Blind.*

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined and compared engrossed bills of the House Nos. 117, 183, 205, 207, 211, 213, 214, 215, 216, 217, 219, 221 and 222, and also joint resolution No. 29, and find the same correctly engrossed.

Mr. Hicks, from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House, Nos. 89 and 97, with the engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Chapin, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to the Governor for his signature bills Nos. 97, 89, 204, 144, 140, 131, 124, 115, 114, 83, 149, 112, 107, 90, 48, and 29.

On motion by Mr. Struble,  
The House adjourned.

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1½ o'clock, P. M.

House met.

By unanimous consent,

Mr. Gentry obtained leave and offered the following resolution :

*Resolved*, That the Speaker be authorized to deliver the accounts of members signed by him, to them on Friday evening next.

Which was adopted.

#### ORDERS OF THE DAY RESUMED.

No. 122. A bill fixing the time of holding courts in the third judicial circuit,

Was read a second time and ordered to a third reading.

No. 123. A bill to amend section 13, chapter 1, part 4 vol. 2 of the Revised Statutes of 1852, of an act entitled an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers, and duties in civil cases,

Was read a second time and ordered to a third reading.

No. 125. A bill to amend an act entitled an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records or other writings of any county in this State, or of any circuit, probate, commissioners' or other inferior court of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed, approved January 12, 1852,

Was read a second time and ordered to a third reading.

## HOUSE BILLS ON ENGROSSMENT.

No. 125. A bill to provide for a geological survey of the State. The question being, shall the bill be engrossed?

It was not so ordered.

No. 176. A bill to prevent the adulteration and the counterfeiting of ardent spirits, and frauds therein.

The pending amendment was adopted.

Mr. Jones of Ripley moved to amend so as to strike out the word "notify," where it occurs.

Which was not adopted.

On motion by Mr. Gentry,

The bill was considered as engrossed, and read a third time.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hooper, Howell, Hunt, Johnson, Jones of Boone, Lasselle, Lines, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush and Wilson—72.

*Those who voted in the negative were,*

Messrs. Able, Cooper, Graham, Hicks, Jones of Ripley, Laird, Lewis, Lowe, Manville, Tanner and Mr. Speaker—11.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 177. A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, and to provide for the assessment and taxation of bankers, brokers, stock-jobbers, banks and banking companies.

Mr. Johnson moved to amend the bill by striking out all from the sixth to the tenth line (both inclusive), in section 6.



And further amend by striking out the 14th, 15th, 16th, 17th, 18th, 21st, 22d and 23d lines of same section.

Which was not adopted.

When,

On motion by Mr. McDonald of Lake,

The bill was recommitted, with the following instructions :

Strike out sections 32, 33 and 34, and insert a provision for listing and taxing all kinds of roads and bridges, mentioned in section 32, in the counties through which they are located, according to value of road, &c., and buildings in the county.

#### HOUSE BILL ON THIRD READING.

No. 117. A bill for a more uniform mode of changing county boundaries;

Was read a third time.

Mr. Freeland moved to refer the bill to a select committee with the following instructions:

To make the signers to the declaration unanimous.

Which was not agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brown, Buell, Bundy, Chapin, Clark, Donelson, Dufour, Ferris, Gootee, Graham, Handy, Howell, Liles, Martin, McKinney, Parker, Rockefeller, Ryan, Shoemaker, Simpson, Struble, Taber, Thomas, Turpie, Underwood and Walker of La-porte—29.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Catlin, Donald, Druley, Dunlavey, Durham, Dyer, Farnsley, Fleming, Freeland, Gentry, Goodman, Greene, Harris, Hartley, Hendricks, Henton, Hicks, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Manville, McDonnall of Sullivan, McKee, Milroy, Orr, Price, Read, Richardson, Scott, Seawright, Shelby, Shuman, Spencer, Stackhouse, Steele, Stephens, Stockwell, Tanner, Walker of Rush and Wilson—45.

So the bill did not pass.

On motion by Mr. Gentry,

The vote ordering No. 223, a bill making specific appropriations for 1853-4, to be engrossed,

Was reconsidered.

Mr. Parker moved to amend by adding the following section :

SEC. —. Benjamin H. Gour, ——— Layton, George Tucker, Margaret McElhaney, Daniel G. Young, Mathew Jones, John Jones, Uriah Wilcox, Isaac Parker, Joseph Gour, James Campbell, John Overman, Jesse Brown, Joseph Price, be allowed each the sum of thirteen dollars; Margaret McElhaney, Andrew Evans, R. L. McIntire, John Price, be allowed the sum of ten dollars; Robert Alexander eleven dollars, and Amos Pettyjohn eight dollars, for expenses in attending as witnesses at the Marion Circuit Court, upon the trial of Harvey Moore upon a charge for murder, upon a change of venue from Tipton county: *Provided*, That each of said witnesses so paid by this appropriation, shall assign their fees in said case to the State of Indiana in the Marion Circuit Court.

Which was not agreed to.

Mr. Howell moved to amend section 11, by striking out the words "services rendered," and inserting in lieu thereof the words "money expended."

Which was adopted.

Mr. Seawright moved to amend by adding the following sections:

SEC. —. That M. G. C. W. Tanner be allowed the sum of three hundred and forty dollars for eighty-five days service in preparing the Revised Statutes of 1852 for publication.

SEC. —. That J. N. Russell be allowed the sum of four hundred and thirty-seven dollars for postage on papers and documents sent by the House of Representatives, and the sum of four hundred and twenty-six dollars and sixty-seven cents for postage on papers and documents sent by the Senate, up to the 28th day of February, 1853, and that he be allowed such further sum for postage on papers and documents that may be sent from this time to the close of the session, as the President of the Senate and Speaker of the House may certify to be correct.

SEC. —. That Elder and Harkness be allowed the sum of fifty-one dollars and eighty-four cents for the Locomotive, furnished the members of the House of Representatives.

SEC. —. That Morrison and Major be allowed the sum of six hundred dollars for services rendered the State in the Supreme Court, in the case of Patrick McGinley versus the State of Indiana.

SEC. —. That Richard W. Thompson be allowed the sum of one thousand dollars for services rendered the State of Indiana at Washington City, in the selection and confirmation of the swamp lands, and the construction given to the swamp land grant, which shall be paid out of the swamp land fund.

SEC. —. That the sum of five thousand dollars per annum be appropriated for the years 1853 and 1854 for the purpose of colonization,—six hundred dollars of which shall annually be applied to sustaining an agency, and the balance to be applied according to the colonization laws of 1852.

SEC. —. That Henry Perry be allowed the sum of forty dollars for services about the State House privy.

Which were adopted.

Mr. Steele moved to amend by adding the following section:

SEC. —. That the sum of two thousand dollars be appropriated for the use of the State Board of Agriculture for the year 1853, to be receipted for by the President of the State Board.

Which was adopted.

On motion by Mr. Pratt,

The bill was then read by sections.

Mr. Pratt moved to amend section five, by striking out "five," where it occurs, and inserting "three."

Mr. Struble moved to amend the amendment by inserting "four," in lieu of three."

Which was not agreed to.

The question then recurring on Mr. Pratt's amendment,

And being put,

The ayes and noes were demanded by Messrs. Taber and Buell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brothwell, Donald, Donelson, Dyer, Ferris, Gootee, Graham, Greene, Hammond, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lewis, Lines, Martin, McKinney, Orr, Parker, Pratt, Price, Richardson, Rockafellar, Ryan, Shelby, Shuman, Simpson, Spencer, Stackhouse, Steele, Taber, Thomas, Walker of Rush, Wilson, and Work—45.

*Those who voted in the negative were,*

Messrs. Able, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Henry, Henton, Lasselle, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Read, Scott, Seawright, Shoemaker, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, and Mr. Speaker—42.

So the amendment was adopted.

Mr. Howell moved to amend section 11 by striking out "Blackford," and inserting "Madison."

Which was agreed to.

Mr. Ferris moved to strike out the 28th section;

Which motion did not prevail.

Mr. Price moved to add the following section:

SEC. —. That the Masonic Hall company be allowed the sum of one hundred and thirty-two dollars and forty cents, for grading and

graveling in front of the State's property on Tennessee and Market streets.

And the question being put,

The ayes and noes were demanded by Messrs. Lines and Johnson.

*Those who voted in the affirmative were,*

Messrs. Ballard, Buell, Bundy, Chapin, Cooper, Freeland, Greene, Read, Scott, Shelby, Shuman, Steele, Underwood, Walker of Laporte, and Mr. Speaker—15.

*Those who voted in the negative were,*

Messrs. Able, Buell, Bundy, Burnett, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Hammond, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Pratt, Richardson, Ryan, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Turpie, Wilson and Work—64.

So the amendment was not adopted.

Mr. Johnson moved to strike out section 47 and insert:

That M. G. C. W. Tanner be allowed not exceeding three dollars per day for services as clerk in the publication of the revised statutes to be ascertained and certified by the Governor and Secretary of State.

And the question being put,

The ayes and noes were demanded by Messrs. Shelby and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Ferris, Fleming, Freeland, Goodman, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Martin, McKinney, Orr, Parker, Pratt, Price, Richardson, Ryan, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Taber, Thomas, Walker of Rush, Wilson, and Work—61.

*Those who voted in the negative were,*

Messrs. Chapin, Dufour, Farnsley, Gentry, Henton, Manville,

McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Read, Scott, Seawright, Stockwell, Turpie, Underwood, Walker of Laporte and Mr. Speaker—19.

Mr. Tanner was excused from voting.

So the amendment was adopted.

Mr. Dufour moved to amend section 51 by striking out \$1000 and inserting \$500.

The question being put,

The ayes and noes were demanded by Messrs. Parker and Dufour.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Brown, Bundy, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Durham, Dyer, Emery, Ferris, Fleming, Gentry, Gootee, Graham, Greene, Hammond, Handy, Harris, Hartley, Henry, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Ryan, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Work—65.

*Those who voted in the negative were,*

Messrs. Brecount, Burnett, Dodd, Dunlavey, Farnsley, Freeland, Goodman, Hendricks, Lasselle, McDonald of Lake, McKee, Scott, Seawright, Shelby, Steple, Stockwell, Tanner, and Mr. Speaker—19.

So the amendment was adopted.

On motion by Mr. Farnsley,

Leave of absence was granted to Mr. Able for the remainder of the session.

Mr. Fleming moved to amend section 50, by striking out "six hundred dollars," and insert "three hundred dollars" for attorneys' fees in the case of McGinley.

Mr. Buell moved the previous question.

Which was not seconded by the House.

Mr. McDonald of Lake moved to lay the bill and amendment on the table.

Which motion did not prevail.

The question then recurring on the adoption of Mr. Fleming's amendment.

And being put,

The ayes and noes were demanded by Messrs. Johnson and Parker.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Bundy, Burnett, Clark, Donald, Donelson, Drole, Durham, Dyer, Emery, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Harris, Hartley, Hendricks, Henry, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lewis, Lines, Lowe, Manville, McDonnall of Sullivan, McKinney, Milroy, Orr, Parker, Pratt, Read, Richardson, Ryan, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Taber, Thomas, Turpie, Wilson and Work—59.

*Those who voted in the negative were,*

Messrs. Chapin, Cooper, Dodd, Dunlavey, Farnsley, Freeland, Handy, Henton, Lasselle, Martin McClure, McDonald of Lake, McKee, Price, Scott, Seawright, Shelby, Shoemaker, Stockwell, Tanner, Underwood, Walker of Laporte, and Mr. Speaker—23.

So the amendment was adopted.

The bill was then ordered to be engrossed.

By unanimous consent,

Mr. Durham obtained leave and introduced,

No. 224. A bill to explain an act entitled "an act authorizing railroad companies to consolidate their stock with the stock of railroad companies in this or in the adjoining States, and to connect their roads with roads of said companies, and to authorize railroad companies to connect their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23, 1853.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Stockwell from a select committee, obtained leave, and made the following report:

**MR. SPEAKER:**

The select committee to whom was referred bill of the House No. 220, which provides for raising revenue for the years 1853 and 1854, have had the same under consideration, and have directed me to submit the following report, namely:

The bill under consideration fixes the revenue for State purposes for 1853 and 1854 at twenty cents on each one hundred dollars' valuation of property, and fifty cents on each poll, for each of the above named years.

The Auditor of State, in his annual report, estimates the amount of taxable property for the years 1853 and 1854 at two hundred and fifty millions. Twenty cents on the one hundred dollars valuation thereof will produce the sum of five hundred thousand dollars. Fifty cents on each poll will produce about seventy-five thousand dollars. The State will probably receive from the State Bank the sum of ten thousand dollars, and from miscellaneous sources ten thousand dollars. This will make the total receipts into the State Treasury for the year 1853, five hundred and ninety-five thousand dollars.

The expenditures for 1853 may be safely stated as follows, viz:

Ordinary expenses.....	\$125,000
Interest on State debt.....	249,000
Miscellaneous.....	15,000
Benevolent Institutions.....	100,000
Commission of county treasurers, and delinquencies.....	75,000
<b>Total.....</b>	<b>\$564,000</b>

Leaving on the 31st of October, 1853, applicable to the payment of the principal of the State debt, the sum of thirty-one thousand dollars.

The receipts into the State Treasury for the year 1854 may be estimated at the same as for 1853, which is \$595,000.

The expenditures for 1854 may be safely estimated as follows, namely:

Ordinary expenses.....	\$40,000
Interest on State debt.....	302,000
Miscellaneous.....	15,000
Benevolent Institutions.....	90,000
Commission of treasurers, and delinquencies.....	75,000
<b>Total.....</b>	<b>\$522,000</b>
Leaving applicable as above.....	\$75,000

If the Legislature should not make an appropriation for the erection of the north wing of the Insane Hospital, there will be twenty-eight thousand dollars added to the above sum of seventy-three thousand dollars, making the surplus for 1854, \$101,000.

The Auditor of State in estimating the appropriations to the benevolent institutions at fifty thousand dollars per year for the next two years, did not include the payment of the obligations of such institutions. The three institutions are now in debt about seventy thousand dollars, which is drawing six per cent. interest per annum. It would be bad policy to postpone the payment of this debt, and be compelled to pay near five hundred [thousand] dollars interest upon it annually.

This estimate will show that a tax of fifteen cents on the one hundred dollars valuation will leave a large deficit. The people of

the State would prefer having provision made for the payment of the principal of the State debt, instead of increasing it. Your committee are satisfied that the people are not expecting any reduction in the rate of taxation. The taxes have not been, for the last ten years, less than twenty-five cents on the one hundred dollars valuation, and for the most of that time a much larger amount. Last year the rate of taxation was reduced to twenty cents. The State has obligated herself by the State debt arrangement, not to reduce the rate of taxation below twenty-five cents on the property and seventy-five cents on the poll. If the rate of taxation is reduced to fifteen cents, the State will be unable to pay the interest upon our State debt; and then our bondholders may say, with truth, that we have violated our contract with them, and released them from all obligation to perform their part of the agreement.

If this Legislature adjourns without making provision for the payment of the interest upon our public debt, and the ordinary expenses of the State government, the Governor may be compelled to call an extra session of the Legislature.

From all these considerations, your committee are satisfied that the rate of taxation for the next two years should be as follows: twenty cents on the one hundred dollars valuation, and fifty cents on the poll for the year 1853; and fifteen cents on each one hundred dollars, and fifty cents on each poll for the year 1854.

Your committee therefore offer the following amendment to said bill, and when so amended recommend its passage:

Strike out the whole of section one, after the enacting clause, and insert as follows:

That a tax for State purposes shall be and is hereby authorized and directed to be levied upon each one hundred dollars of the value of all property entered for taxation, in the general list of taxables, for the years 1853 and 1854, as follows, to-wit: for the year 1853, twenty cents on each one hundred dollars, and fifty cents on each poll subject by law to taxation; and for the year 1854, fifteen cents on each one hundred dollars, and fifty cents on each poll subject by law to taxation.

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House to go into the election of six Trustees for the Asylum for the Deaf and Dumb, and also six Trustees for the Asylum for the Blind, on Thursday next at 2 o'clock.



A message from the Senate by Mr. Sites, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House to go into the election of three Commissioners for the Insane, on Wednesday next, at 10 o'clock, A. M.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House :

No. 154. An act to amend the 14th section of an act entitled "An act providing for the incorporation of Bridge Companies," approved March 9th, 1852.

No. 157. A Bill in relation to the Reservoirs in the counties of Gibson and Clay.

No. 150. A Bill to amend an act authorizing Recorders to make out complete or general indexes to records of Deeds and Mortgages, and to procure and use seals; approved Feb. 16, 1852.

Without amendment.

By unanimous consent,

Mr. Spencer, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 218, entitled, "An act making general appropriations for the years 1853 and 1854," beg leave to report in accordance with an imperative resolution of the House they herewith return the same without any action thereon by said committee.

Pending which,

On motion by Mr. Brecount,  
The House adjourned.

WEDNESDAY MORNING, 8½ o'clock, }  
 March 2d, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Durham,  
 The reading of the Journal of yesterday was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Pratt, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 64, providing for the asserting of the rights of the State to escheated estates, and regulating the sale thereof, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

The report was concurred in, and the bill read a second time, and passed to a third reading.

Mr. Scott, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee to whom was referred House bill No. 147, a bill amendatory of the practice act of 1852, have had the same under consideration, and have directed me to report the same back to the House, with a recommendation that the same be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 116, an act touching the relation of guardian and ward, have considered the same and directed me to report the same back and recommend its indefinite postponement. The committee ask to be discharged, &c.

The report was concurred in and the bill indefinitely postponed.

Mr. Pratt, from the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred Senate bill No. 69, to amend an act to provide for the incorporation of railroad companies, approved May 11, 1852, have had the same under consideration, and have instructed me to report the same back to the House with an amendment, and upon the adoption of the same to recommend its passage: Amend the 1st section of the bill by adding after the words any "such railway," the following words, to-wit., "after the assets of such corporation have been exhausted."

The report was concurred in and the bill ordered to a third reading.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the Rights and Privileges of the Inhabitants of this State to which was referred House bill No. 209, a bill relative to the establishment of ferries, have had the same under consideration, and directed me to report that the laws already in existence, relative to the establishment of ferries, are ample and sufficient to meet all the required demands of the country, that are just; they would, therefore, recommend that the above named bill be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the Rights and Privileges of the Inhabitants of this State to whom was referred House bill No. 212, a bill to regulate the practice of physic and surgery within the State of Indiana, and amendments thereto, respectfully report, that there is no necessity for the passage of such a law, with or without the amendments; they, therefore, return the bill and amendments and recommend their indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Buell, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 194,

entitled "an act for the distribution of the statutes of 1852," have had said bill under consideration, and beg leave respectfully to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Seawright,

The following message from the Senate was taken up.

**MR. SPEAKER:**

I am directed by the Senate, to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 55. An act to amend "an act for the government of the Indiana Hospital for the Insane," approved June 15, 1852.

No. 160. An act to amend section 4 and section 6, of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852, with sundry engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bills No. 55 and 160, contained in the foregoing message were concurred in by the House.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following bill of the House:

No. 126. A bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association in lieu of their original articles of association, and legalizing the action of such corporations in that respect, where such copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.

No. 178. A bill to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, with the following engrossed amendments thereto,

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill 126, contained in the foregoing message were concurred in by the House.

Ordered that the Clerk inform the Senate thereof.

Bill No. 178, contained in the foregoing, with engrossed amendments of the Senate,

On motion by Mr. Pratt,  
Were laid on the table.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 179. A bill in regard to criminal prosecutions against the Trustees of the Wabash and Erie Canal.

With an engrossed amendment.

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to House bill No. 179, contained in the foregoing message, were concurred in by the House.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 98. A bill fixing the time of holding circuit courts in the eighth judicial circuit.

In which the concurrence of the House is respectfully requested.

Bill No. 98 contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the Senate.

No. 102. A bill fixing the time of holding courts of common pleas and the length of the terms thereof in the several counties of this State.

No. 128. A bill to repeal part of an act entitled an act to provide for equalizing the apportionment for taxation of the real property of the State of Indiana, approved May 28th, 1852.

No. 132. A bill declaring when the acts of the last and present session of the General Assembly shall take effect.

No. 133. A bill authorizing the pendency of a suit in another State, to be plead in abatement in this State, in cases therein named, and providing what effect shall be given to certain judgments rendered in another State.

No. 136. A bill to regulate the crossing of public highways, and private roads by railroads.

In which the concurrence of the House is respectfully requested.

Bills No. 132, 136, 133, 128, and 102, contained in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate, by Mr. Sites, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate the resolution of concurrence adopted by the Senate this morning, providing for a select joint committee to investigate certain matters relative to the deficiency of the bonds of the State, heretofore redeemed, but supposed not yet to have been cancelled or destroyed.

In which the concurrence of the House is respectfully requested.

The resolution contained in the foregoing message was concurred in. Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House:

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom,

With sundry engrossed amendments thereto,

In which the concurrence of the House is respectfully requested.

Mr. Graham moved to lay House bill No. 142, with engrossed amendments of the Senate thereto, contained in the foregoing message, on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Durham.

*Those who voted in the affirmative were,*

Messrs. Able, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Donald, Durham, Farnsley, Gentry, Graham, Hamrick, Handy, Howell, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis,

Lowe, Manville, McClure, McKinney, Price, Read, Scott, Stackhouse, Steele, Stephens, Taber and Underwood—31.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Chapin, Dodd, Donelson, Druley, Dufour, Dunlavey, Dyer, Emery, Ferris, Fleming, Free-land, Goodman, Greene, Hammond, Harris, Hartley, Hicks, Hendricks, Henry, Henton, Hooper, Hunt, Lines, Martin, McDonald of Lake, McKee, Milroy, Orr, Pratt, Rockafellar, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stockwell, Struble, Tanner, Thomas, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—52.

So the bill and amendment were not laid on the table.

The question then recurring on concurring in the engrossed amendment of the Senate,

They were concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 135. A bill to amend sections 1, 4 and 33 of an act entitled an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana, approved January 15, 1852.

In which the concurrence of the House is respectfully requested.

Bill No. 135, contained in the foregoing message, was read a first time, and,

On motion by Mr. Underwood,

Was read a second time by its title, and laid on the table.

By unanimous consent,

Mr. Lines obtained leave and offered the following resolution:

*Resolved*, That the Principal Clerk of this House be required to report on to-morrow morning, to this House, the number and names of the Assistant Clerks, and number and names of Doorkeepers now in the employment of the House.

Which was adopted.

#### ORDERS OF THE DAY.

Question pending at adjournment, the engrossment of bill of the House

No. 218. A bill making General Appropriations for the years 1853 and 1854.

On motion by Mr. Pratt,

The bill was read and considered by sections.

Mr. Pratt moved to amend section 8, by striking out the appropriation of \$28,000 for the year 1854, for the completion of the north wing of the Insane Hospital.

Mr. Chapin moved to lay the amendment on the table.

Which motion did not prevail.

Mr. Chapin moved to lay the bill and amendment on the table.

Which was agreed to.

By unanimous consent,

Mr. Chapin obtained leave and offered the following resolution:

*Resolved*, That the Senate be invited to attend in this Hall, *instantly*, for the purpose of proceeding to the election of three Commissioners for the Hospital for the Insane.

Which was adopted.

#### HOUSE BILLS ON THIRD READING.

No. 183. A bill in relation to the construction of bridges over certain navigable streams, and prescribing the penalty for a violation of the provisions herein set forth.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Druley, Dufour, Dunlavey, Dyer, Farnsley, Freeland, Gentry, Graham, Greene, Hamrick, Handy, Harris, Hartley, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Reid, Richardson, Rockefeller, Scott, Seawright, Shoemaker, Simpson, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Baliard, Cooper, Emery, Fleming, Ryan, Shelby, Shuman, Spencer, Stackhouse, Taber and Work—11.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

The Senate came into the Hall, when both Houses of the General Assembly, in joint convention, by a viva voce vote, proceeded to the election of three Commissioners for the Hospital for the Insane.



*The members of the Senate voted as follows:*

NAMES OF MEMBERS.	ATHON.	RITCHIE.	WEST.	WOODBURN.	BLAKE.	BLANK.
Adams.....	1	1	.....	.....	.....	.....
Anthony.....	1	1	1	.....	.....	.....
Barnett.....	.....	1	1	.....	1	.....
Barton.....	1	1	1	.....	.....	.....
Black.....	1	1	1	.....	.....	.....
Brookshire.....	1	1	1	.....	.....	.....
Brown.....	1	1	1	.....	.....	.....
Butler.....	.....	.....	.....	1	1	1
Combs.....	.....	1	1	.....	1	.....
Cox.....	1	1	.....	.....	1	.....
Cutshaw.....	1	1	1	.....	.....	.....
Edsall.....	1	1	1	.....	.....	.....
Edwards.....	.....	.....	.....	1	1	.....
Gibson.....	1	1	1	.....	.....	.....
Glazebrook.....	1	1	1	.....	.....	.....
Greathouse.....	1	1	1	.....	.....	.....
Griggs.....	.....	.....	.....	1	1	1
Gordon.....	1	1	1	.....	.....	.....
Hall.....	1	.....	1	.....	1	.....
Hawthorn.....	1	1	.....	.....	1	.....
Hendry.....	1	1	.....	.....	1	.....
Horton.....	1	1	1	.....	.....	.....
Hosbrook.....	.....	1	1	.....	1	.....
Humphreys.....	1	1	1	.....	.....	.....
Jackson of Madison.....	1	1	.....	.....	1	.....
Jackson of Tipton.....	1	1	1	.....	.....	.....
Kightley.....	1	1	1	.....	.....	.....
Meeker.....	.....	.....	.....	1	1	1
Odell.....	.....	.....	.....	1	1	1
Reynolds.....	1	1	1	.....	.....	.....
Roberts.....	.....	1	1	.....	1	.....
Robinson.....	1	1	.....	.....	1	.....
Shallenberger.....	1	1	1	.....	.....	.....
Shook.....	1	1	1	.....	.....	.....
Slater.....	1	1	1	.....	.....	.....
Spann.....	1	1	1	.....	.....	.....
Sullivan.....	1	1	1	.....	.....	.....
Vandeverter.....	.....	.....	1	1	1	.....
Williams.....	.....	.....	.....	1	1	1
Wilson of Harrison.....	.....	.....	1	1	1	.....
Wilson of Jay.....	.....	1	.....	1	1	.....
Witherow.....	1	.....	.....	1	1	.....
	29	33	28	10	20	5

*The members of the House voted as follows:*

NAMES OF MEMBERS.	ATHON.	RITCHIE.	WEST.	WOODBURN.	BLAKE.	BLANK.
Able.....	1	1	1	.....	.....	.....
Ballard.....	1	.....	.....	1	1	.....
Brecount.....	1	1	.....	.....	.....	1
Bridges.....	1	1	1	.....	.....	.....
Brown.....	1	1	1	.....	.....	.....
Buell.....	1	1	1	.....	.....	.....
Bundy.....	1	1	1	.....	.....	.....
Burnett.....	1	.....	.....	1	1	.....
Catlin.....	1	1	1	.....	.....	.....
Chapin.....	1	1	1	.....	.....	.....
Clark.....	1	1	1	.....	.....	.....
Cooper.....	1	1	1	.....	.....	.....
Dodd.....	1	1	1	.....	.....	.....
Donald.....	.....	.....	1	1	1	.....
Donelson.....	1	1	1	.....	.....	.....

*The members of the House voted as follows:—Continued.*

NAMES OF MEMBERS.	ATHON.	RITCHY.	WEST.	WOODBURN.	BLAKE.	BLANK.
Druley.....	1	1	1	...	...	...
Dufour.....	1	1	1	...	...	...
Dunlavey.....	1	1	1	...	...	...
Durham.....	1	1	1	...	...	...
Dyer.....	1	1	1	...	...	...
Emery.....	1	...	...	1	...	1
Farnsley.....	1	1	1	...	...	...
Ferris.....	1	1	1	...	...	...
Fleming.....	...	...	...	1	1	1
Freeland.....	1	1	1	...	...	...
Gentry.....	1	1	...	1	...	...
Goodman.....	1	1	...	...	1	...
Graham.....	1	...	...	1	...	1
Greene.....	...	...	1	1	1	...
Hamrick.....	...	...	...	1	1	1
Handy.....	1	1	...	...	1	...
Harris.....	1	1	1	...	...	...
Hartley.....	...	...	...	1	1	1
Hendricks.....	1	1	1	...	...	...
Henry.....	1	...	...	1	1	...
Henton.....	1	1	1	...	...	...
Hicks.....	1	1	1	...	...	...
Hooper.....	1	1	1	...	...	...
Howell.....	...	...	...	1	1	1
Hunt.....	1	1	1	...	...	...
Johnson.....	1	...	...	1	1	...
Jones of Boone.....	...	1	...	1	...	1
Jones of Ripley.....	1	1	...	...	1	...
Laird.....	1	1	1	...	...	...
Lasselle.....	...	...	...	1	1	1
Lewis.....	1	1	1	...	...	...
Lives.....	1	1	1	...	...	...
Lowe.....	...	...	...	1	1	1
Manville.....	1	1	1	...	...	...
McClure.....	1	1	1	...	...	...
McDonald of Lake.....	1	1	1	...	...	...
McDonnall of Sullivan.....	1	1	1	...	...	...
McKee.....	1	1	1	...	...	...
McKinney.....	1	1	1	...	...	...
Milroy.....	1	1	1	...	...	...
Orr.....	1	1	1	...	...	...
Parker.....	...	...	...	1	1	1
Pratt.....	1	1	1	...	...	...
Price.....	...	1	...	1	1	...
Read.....	1	1	1	...	...	...
Richardson.....	1	1	1	...	...	...
Rockatellar.....	1	1	1	...	...	...
Ryan.....	1	1	1	...	...	...
Scott.....	1	...	...	1	1	...
Seawright.....	1	...	...	1	1	...
Shoemaker.....	1	1	...	...	1	...
Simpson.....	1	1	1	...	...	...
Spencer.....	1	1	1	...	...	...
Stackhouse.....	1	1	1	...	...	...
Steele.....	1	1	...	...	...	1
Stephens.....	1	...	...	1	1	...
Stockwell.....	1	1	1	...	...	...
Struble.....	1	1	...	1	...	...
Taber.....	1	1	1	...	...	...
Tanner.....	...	...	1	1	1	...
Thomas.....	1	1	1	...	...	...
Underwood.....	1	1	1	...	...	...
Walker of Laporte.....	1	1	1	...	...	...
Walker of Rush.....	1	1	1	...	...	...
Wilson.....	...	1	...	1	1	...
Work.....	1	1	1	...	...	...
Mr. Speaker.....	1	...	1	...	...	1
	69	62	55	24	23	13

Whole number of votes cast,.....	124
Necessary to a choice,.....	63
Of which J. S. Athon received.....	98
James Ritchey received.....	95
H. F. West received.....	83
J. H. Woodburn received.....	34
James Blake received.....	43
Blank,.....	18

Messrs. James S. Athon, James Ritchey and H. F. West, each having received a majority of all the votes given, were declared duly elected commissioners for the Asylum for the Insane, for the term of three years two months and two days from and after the 1st day of January, 1854.

The convention adjourned without day, and the Senate retired to their chamber.

No. 207. A bill to amend the charter of the Evansville and Illinois Railroad Company;

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Burnett, Chapin, Clark, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Henry, Hicks, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Steele, Stackhouse, Stephens, Stockwell, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—66.

Mr. Howell voting in the negative—1.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 211. A bill to authorize the voters of Switzerland county, to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Buell, Chapin, Cooper, Dodd, Donald,

Donelson, Dufour, Emery, Farnsley, Ferris, Fleming, Freeland, Goodman, Graham, Greene, Hamrick, Handy, Harris, Henry, Hicks, Lasselle, Lines, McDonald of Lake, McDonnall of Sullivan, Pratt, Read, Scott, Shelby, Shuman, Steele, Stockwell, Struble, Taber, Underwood, Walker of Laporte, Walker of Rush—38.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brown, Burnett, Catlin, Clark, Druley, Durham, Dyer, Gentry, Hendricks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lewis, McClure, McKee, McKinney, Parker, Price, Richardson, Rockafellar, Seawright, Shoemaker, Stackhouse, Stephens, Tanner, Thomas, Turpie, Wilson and Mr. Speaker—33.

So the bill did not pass for want of a constitutional majority.

No. 213. A bill to authorize and request the Governor to exchange the Revised Statutes, Laws, Documentary Journals and Reports of the Supreme Court of this State, with those of other States of the Union;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Hicks, Howell, Johuson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—75.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 214. A bill for the distribution of the census reports of 1840 and 1850 to the counties,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brothwell, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dumlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Henry, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Pratt, Price, Read, Richardson, Rockefeller, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—74.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 215. A bill authorizing the State Librarian to make out a properly classified catalogue of the books, papers, &c. in the State Library,

Was read a third time, and,

On motion by Mr. Pratt,  
Indefinitely postponed.

By unanimous consent,

Mr. Dodd, from the committee on Ways and Means, obtained leave and made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred Senate bill No. 111, entitled a bill providing for the colonization of free negroes, &c., have had said bill under consideration, and beg leave respectfully to report it back and recommend its passage. Your committee ask to be discharged from further consideration of the subject.

The report was concurred in, and the committee discharged from the further consideration of the subject.

On motion by Mr. Buell,

The bill was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour,  
110 H

Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Harris, Hendricks, Henton, Howell, Hunt, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, McDonnall of Sullivan, McKee, McKinney, Milroy, Orr, Pratt, Read, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Steele, Stephens, Struble, Taber, Tanner, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Hamrick, Hartley, Johnson, Jones of Boone, Laird, Manville, McClure, McDonald of Lake, Price, Richardson, Stackhouse, Thomas, and Turpie—12.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 216. A bill to amend an act entitled "an act to incorporate the town of Plymouth, Marshall county, Indiana, to extend the limits of said town to out-lots for purposes of taxation, to require non-residents to pay license for selling at private sale goods, wares, or merchandize in said town, to empower the president and trustees of said town to order a re-survey of streets, alleys and drains in said town, to allow fifty per centum damages upon sales of property delinquent for non-payment of taxes.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Buell, Bundy, Burnett, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Ferris, Fleming, Goodman, Hamrick, Handy, Harris, Hendricks, Henton, Howell, Johnson, Laird, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKinney, Orr, Pratt, Read, Richardson, Rockafellar, Scott, Shelby, Steele, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Chapin, Clark, Cooper, Donald, Druley, Freeland, Gentry, Graham, Greene, Hartley, Hunt, Jones of Boone, Jones of Ripley, Lasselle, Lewis, McDonald of Lake, McKee, Price, Seawright, Shuman, Stackhouse and Tanner—24.

So the bill did not pass for want of a constitutional majority.

By unanimous consent,  
Mr. Hendricks from the committee on the Judiciary, obtained leave, and made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 36, have had the same under consideration, and direct me to report the same back with one amendment, and to recommend its passage when so amended.

Amendment:

Insert in section 1, on 1st page after the words "railroad company," the following words: "whose principal office is not within this State."

The report was concurred in, and the bill ordered to a third reading.

No. 217. A bill repealing the laws in force, local to Fulton county, giving conclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county the laws relating to the jurisdiction and punishment of such misdemeanors, as contained in the Revised Statutes of 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavy, Durham, Dyer, Emery, Farnslev, Ferris, Fleming, Free-land, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Ripley, Laird, Lasselle, Lines, Lowe, Manville, McClure, McDonald of Sullivan, McKee, McKinney, Milroy, Orr, Pratt, Price, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Work—73.

Mr. Shelby voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined and compared

engrossed bills of the House Nos. 176, 220 and 223, and find the same correctly engrossed.

Mr. Hicks, from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House, Nos. 109, 99, 154, 150 and 157, with the engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Hicks,  
The House adjourned.

2½ o'clock, P. M.

House met.

On motion by Mr. Graham,  
A call of the House was ordered,  
When the following members answered to their names:

Messrs. Able, Brown, Buell, Bundy, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush Wilson and Mr. Speaker—67.

On motion by Mr. Parker,  
A further call was dispensed with.  
By unanimous consent,  
Mr. Seawright, from the committee on Ways and Means, obtained leave and made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred House



bill No. 177, with instructions to strike out the amendments proposed to sections 32, 33, and 34, have had the same under consideration, and have amended it as directed. The committee offer the accompanying amendment to section 33. The committee also offer the following amendment to the bill:

Strike out section 3, and insert instead thereof the following:

**SEC. 3.** Stockholders in railroad companies, canal or slack-water navigation companies, turnpike, plank or McAdamized road companies, bridge or telegraph companies, insurance companies, trust companies, savings institutions, gas companies, incorporated banks or banking companies, and all other corporations whose taxation, in a corporate capacity, is specifically provided for in this act, or in the act to which this is an amendment, shall not be required to make out and return to the assessor a statement of their stocks in such companies.

**SEC. 33.** It shall be the duty of such Auditor to enter the name of such company or corporation upon the tax duplicate, with the amount and value of said stock, and assess thereon for State, county, school and road taxes, according to the amount of taxes fixed for those purposes for that year, in the several counties through which such road, slackwater navigation, or telegraph line may run or pass, and the said President or other proper officer of any such company, shall pay to the treasurer of the proper county the taxes so assessed as aforesaid, on said stock, together with all damages, interest and costs that may be due thereon, and it is hereby made the duty of the county auditors of the several counties through which such road, slack-water navigation, or telegraph line may run or pass, immediately after the tax shall be fixed, to make out, under the hand and seal of such officer, a statement showing the amount of the tax assessed for county, school and road purposes, in such county, for that year, and forward the same to the auditor of the county where the principal office of any such company may be situated.

The report was concurred in,

And the bill ordered to be engrossed.

By unanimous consent,

Mr. Steele, from the committee on Military Affairs, obtained leave and made the following report:

**MR. SPEAKER:**

The committee on Military Affairs, to whom was referred House bill No. 184, to amend an act entitled "An act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof," approved June 14th, 1852, have had the matter under consideration, and have directed me to report, that in the opinion of the committee it is inexpedient to legislate upon that subject at the present time.

The report was concurred in, and the bill laid on the table.

## ORDERS OF THE DAY RESUMED.

No. 219. A bill to provide for the appointment of commissioners to examine the offices of the Agent, Auditor and Treasurer of State, to adjust the stock accounts of the State, and to investigate any frauds in the issue of Treasury notes, and for the compensation of such commissioners.

Was read a third time,

Mr. McDonald of Lake moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Shelby and Manville.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brown, Burnett, Clark, Cooper, Donelson, Dyer, Ferris, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hendricks, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lines, Lowe, Martin, McDonald of Lake, McKinney, Moss, Orr, Parker, Price, Read, Rockafellar, Ryan, Scott, Seawright, Shuman, Stackhouse, Steele, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Able, Buell, Bundy, Catlin, Chapin, Dodd, Donald, Druley, Dufour, Dunlavey, Emery, Farnsley, Fleming, Hicks, Lemmon, Manville, McClure, McDonnall of Sullivan, McKee, Milroy, Richardson, Shelby, Shoemaker, Simpson, Spencer, Stephens, Tanner and Wilson—28.

So the bill was not laid on the table.

No. 221. A bill fixing the time of holding the circuit courts in the fifth judicial circuit;

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hartley, Henton, Hicks, Hunt, Johnson, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKee, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shu-

man, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—74.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Spencer,

Senate bill No. 20, a bill to amend sections 20, 24, 31 and 32 of an act entitled "an act to provide for the opening, vacation and change of highways," approved June 17, 1852;

Was taken from the table,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Buell, Bundy, Burnett, Chapin, Clark, Dedd, Donald, Donelson, Dunlavey, Dyer, Emery, Farris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hartley, Henton, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lines, Martin, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Read, Scott, Seawright, Shoemaker, Shuman, Steele, Stephens, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Ballard, Brown, Druley, Durham, Farnsley, Freeland, Hamrick, Handy, Harris, Hicks, Johnson, Jones of Boone, Lemmon, Lewis, Lowe, Manville, McClure, Price, Richardson, Rockafellar, Ryan, Shelby, Simpson, Spencer, Stackhouse, Struble and Tanner—29.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 222. A bill to amend the charter of the Lawrenceburgh and Upper Mississippi Railroad Company;

Was read a third time.

By unanimous consent,

On motion by Mr. Donelson,

Section 1 was amended by adding the following proviso:

*Provided*, That in selecting juries to assess damages for the right of way, it may be competent to select juries from any part of the county in which such land is situated.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Price, Read, Richardson, Rockefeller, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Able, Chapin, and Jones of Jennings.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

#### SENATE BILLS. ON THIRD READING.

No. 118. A bill to authorize the Governor to contract for the erection of an additional number of cells at the penitentiary, and for the making certain improvements upon the grounds thereof,

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Dunlavey, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hamrick, Harris, Hendricks, Henton, Howell, Hunt, Laird, Lemmon, Lines, Lowe, Manville, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Read, Richardson, Scott, Shelby, Steele, Stockwell, Struble, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Brothwell, Druley, Dufour, Dyer, Gootee, Hammond, Handy, Hartley, Henry, Hicks, Johnson, Jones of Boone, Jones of

Jennings, Jones of Ripley, Lasselle, Lewis, McClure, Price, Rockefeller, Ryan, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Taber, Tanner, and Thomas—29.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

On motion by Mr. Dufour,

House bill No. 211. A bill to authorize the voters of Switzerland county to determine the location of the county seat of said county and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto,

Which had been lost for want of a constitutional majority, was taken up.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bridges, Buell, Bundy, Burnett, Chapin, Clark, Dodd, Donald, Donelson, Dufour, Ferris, Fleming, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Henry, Hicks, Hunt, Jones of Ripley, Laird, Lasselle, Manville, Martin, McClure, McDonald of Lake, McKinney, Moss, Orr, Read, Scott, Shelby, Steele, Stephens, Stockwell, Taber, Turpie, Underwood, Walker of Laporte, and Walker of Rush—44.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Brown, Catlin, Druley, Dunlavey, Durham, Dyer, Farnsley, Gootee, Harris, Hartley, Henton, Howell, Johnson, Jones of Boone, Jones of Jennings, Lemmon, Lewis, Lines, Lowe, McDonnall of Sullivan, Parker, Price, Richardson, Rockefeller, Ryan, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Struble, Tanner, Thomas, Wilson, and Mr. Speaker—40.

So the bill did not pass for want of a constitutional majority.

No. 75. A bill to authorize county treasurers to sell delinquent lands, in certain cases, to the highest bidder,

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Donald, Donelson, Druley,

Dufour, Dunlavey, Durham, Dyer, Ferris, Gentry, Goodman, Gootee, Graham, Greene, Hamrick, Handy, Hartley, Henton, Hicks, Howell, Hunt, Johnson, Jones of Jennings, Laird, Lewis, Lines, Lowe, Manville, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Price, Read, Rockafellar, Ryan, Scott, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Emery, Farnsley, Hendricks, Henry, Jones of Ripley, Lemmon, McClure, Moss, Richardson, Shoemaker, Shuman, and Stackhouse—12.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington City and procure the re-adjustment of the three per cent. fund and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State, thereby to be placed to the credit of the State upon the books of the General Government, and also to provide for his compensation therefor,

Was read a third time.

Mr. Henry moved to indefinitely postpone the bill.

And the question being put;

The ayes and noes were demanded by Messrs. Henry and Able.

*Those who voted in the affirmative were,*

Messrs. Brothwell, Brown, Donelson, Emery, Ferris, Gootee, Graham, Greene, Hammond, Henry, Henton, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lines, Orr, Parker, Richardson, Rockafellar, Shelby, Simpson, Taber, Thomas, and Mr. Speaker—26.

*Those who voted in the negative were,*

Messrs. Able, Ballard, Brecount, Bridges, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Dyer, Farnsley, Fleming, Freeland, Gentry, Goodman, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Price, Read, Ryan, Scott, Seawright, Shoemaker, Shuman, Spencer.

Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Walker of Laporte, Walker of Rush, and Wilson—59.

So the bill was not indefinitely postponed.

Mr. Henry moved to recommit the bill with the following instructions:

Amend by striking out J. W. Cummins, and insert an agent to be elected by the General Assembly; and strike out all in relation to the per centage.

Which was not agreed to.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Dufour, Dunlavey, Dyer, Farnsley, Fleming, Freeland, Gentry, Goodman, Gootee, Handy, Harris, Hartley, Hendricks, Hicks, Hunt, Jones of Jennings, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Ryan, Scott, Shuman, Spencer, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, and Wilson—56.

*Those who voted in the negative were,*

Messrs. Brothwell, Brown, Catlin, Donald, Donelson, Druley, Emery, Ferris, Graham, Greene, Hammond, Hamrick, Henry, Henton, Howell, Johnson, Jones of Boone, Jones of Ripley, Lewis, Orr, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Simpson, Stackhouse, Taber, Thomas, Walker of Rush, and Mr. Speaker—31.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### HOUSE JOINT RESOLUTION ON THIRD READING.

No. 29. A joint resolution in regard to the industrial exhibition to be held in New York in May next, and in New Orleans in Feb., 1854,

Was read a third time.

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McKee, McKinney, Moss, Orr, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Stackhouse, Stephens, Stockwell, Taber, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Gootee, Graham, and Ballard—3.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 220. A bill to raise revenue for State purposes for the years 1853 and 1854;

Was read a third time.

By unanimous consent,

Section 2, was stricken out of the bill.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnell of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—79.

Messrs. Ryan and Shelby voting in the negative.

So the bill passed,

Ordered, that the Clerk inform the Senate thereof.



No. 223. A bill making specific appropriations for the year 1853; Was read a third time.

Mr. Scott moved to recommit, with instructions to inquire into the merits of the claim of R. W. Thompson, and a proper allowance therefor.

Mr. McDonald of Lake moved to amend the instructions by providing that Mr. Hester be allowed a sufficient amount, not less than \$4 per day.

And also, providing for \$600 for the attorneys in the case of McGinley.

Which amendment was accepted by Mr. Scott.

By unanimous consent,

On motion by Mr. Hamrick,

The bill was amended by striking out section 52.

By unanimous consent,

On motion by Mr. Druley,

The bill was amended by adding the following section:

SEC. —. That three hundred and fifty dollars is hereby appropriated to repair the State Treasury buildings, and that the same be expended under the direction of the Treasurer of State.

The question then recurring on recommitting the bill with the instructions,

And being put;

The ayes and noes were demanded by Messrs. Shelby and Parker.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Freeland, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Hunt, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Brown, Donald, Donelson, Fleming, Hammond, Howell, Johnson, Jones of Boone, Jones of Ripley, Lasselle, McKinney, Orr, Shelby, Spencer, Taber, Thomas, and Wilson—17.

So the bill was recommitted.

## HOUSE BILLS ON SECOND READING.

No. 224. A bill to explain an act entitled an act authorizing railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with roads of said companies, and to authorize railroad companies to construct roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed, approved February 23, 1852.

Was read a second time.

Mr. Durham moved to suspend the rule and read the bill a third time now.

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dunlavey, Durham, Dyer, Farnsley, Fleming, Freeland, Gentry, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Steele, Stephens, Stockwell, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush, Wilson, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Donald, Emery, Johnson, Milroy, Parker, Shelby, Spencer, Stackhouse, Struble, Taber and Turpie—11.

So the rule was suspended, and the bill read a third time.

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Dodd, Donald, Druley, Durham, Dyer, Emery, Farnsley, Ferris, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Howell, Johnson Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simp-

son, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Donelson, Dufour, Dunlavey, Fleming, Hicks, Spencer and Stackhouse—7.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 106. A bill giving validity to the alterations made and omissions supplied in the revised statutes, and in the code of civil and criminal practice of 1852, by the persons superintending the publication of the same,

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Brown, Bundy, Catlin, Chapin, Cooper, Donald, Donelson, Druley, Dufour, Durham, Dyer, Farnsley, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush and Mr. Speaker—73.

Messrs. Burnett and Dunlavey voting in the negative—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 159. A bill giving common pleas courts concurrent jurisdiction with circuit courts in divorce cases, and complaints for bastardy and surety of the peace.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lemmon, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—76.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Moss,

House bill No. 178, a bill to amend an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852,

Was taken from the table.

And the question being, on concurring in the engrossed amendments of the Senate,

It was decided in the affirmative.

Ordered that the Clerk inform the Senate thereof.

#### SENATE BILLS ON THIRD READING.

No. 78. An act to amend section 95 of "an act to provide for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852,

Was read a third time.

And the question being, shall the bill pass.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Gootee, Graham, Greene, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson,

Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryon, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—79.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Milroy obtained leave and offered the following resolution :

*Resolved*, That the clerk of the House be instructed to have the bill regulating the sale of spirituous liquors passed this day, published in the State Sentinel and Journal immediately.

Which was adopted.

No. 122. A bill fixing the time of holding courts in the third judicial circuit;

Was read by its title; and,

On motion by Mr. Richardson,

Laid on the table.

No. 81. A bill to amend section 36 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852;

Was read a third time; and,

On motion by Mr. McDonald of Lake,

Was laid on the table.

By unanimous consent,

Mr. Buell, chairman of the committee on Ways and Means, obtained leave and made the following report :

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred House bill No. 223, making specific appropriations for the year 1853, have had said bill under consideration, and beg leave respectfully to report it back with the following amendments, upon the adoption of which, the committee would recommend the passage of the bill :

1st. Amend sec. 5 by striking out the word "three" in the second line, and inserting "five."

2d. Amend sec. 50 by striking out the word "three" from the second line and inserting "six."

3d. Amend sec. 51 by striking out the words "five hundred" from the second line, and inserting "one thousand."

The report was concurred in.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brothwell, Brown, Buell, Burnett, Bundy, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Graham, Hammond, Hamrick, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jones of Jennings, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Brecount, Donelson, Ferris, Greene, Johnson, Jones of Boone, Jones of Ripley, Lines, Martin, McKinney, Orr, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse and Thomas—17.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hamrick,

Bill of the House No. 218, a bill making general appropriations for the years 1853 and 1854;

Was taken from the table.

The question being on the adoption of Mr. Pratt's amendment,

Mr. Underwood moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Donald and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Bridges, Brothwell, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Clark, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Graham, Hamrick, Handy, Hartley, Hendricks, Hicks, Lasselle, Lemmon, Lewis, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Parker, Read, Rockafellar, Ryan, Scott, Seawright, Steele, Stockwell, Struble, Tanner, Underwood, Walker of Laporte and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Breccunt, Brown, Donald, Donelson, Dyer, Ferris, Greene, Hammond, Henton, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lines, Martin, McClure, McKinney, Orr, Price, Richardson, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Stephens, Taber, Thomas, Turpie and Wilson—35.

So the amendment was laid on the table.

On motion by Mr. Hamrick,

The bill was considered as engrossed and read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dufour, Dunlavey, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Hartley, Hendricks, Henton, Hicks, Hunt, Lasselle, Lewis, Lowe, Manville, Martin, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shuman, Simpson, Stackhouse, Steele, Stockwell, Tanner, Underwood, Walker of Laporte and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Breccunt, Durham, Dyer, Harris, Henry, Howell, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lines, McClure, McKinney, Orr, Parker, Shelby, Shoemaker, Spencer, Stephens, Taber, Thomas, Turpie and Wilson—24.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Hicks moved that the House adjourn.

Which motion did not prevail.

On motion by Mr. Walker of Laporte,

The following message from the Senate was taken up.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House:

No. 180. A bill amendatory of, and supplemental to an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected

therewith," approved June 14, 1852, with engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 180, contained in the foregoing message were concurred in.

Ordered, that the Clerk inform the Senate thereof.

No. 82. A bill to amend the 4th, 5th, 27th, 37th, 47th, 49th, 53d, 58th, 67th, 81st, 540th and 799th, sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Cooper, Clark, Dodd, Donald, Donelson, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Free-land, Gentry, Goodman, Hammond, Handy, Harris, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Price, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Steele, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Hamrick, Lemmon and Ryan—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Lines,

Leave of absence was granted to Mr. Gootee for the remainder of the session on account of sickness.

On motion by Mr. Brown,

Leave of absence was granted Mr. Milroy, for the remainder of the session, on account of sickness in his family.

Mr. Chapin from the joint Committee on Enrolled Bills made the following report:



**MR. SPEAKER:**

The joint committee on Enrolled Bills have this day presented to the Governor for signature bills No. 157, 150, 154, 99 and 109.

On motion by Mr. Simpson,  
The House adjourned.

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THURSDAY MORNING, 8½ o'clock, }  
March 3, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Bundy,

A call of the House was ordered, and the following members answered to their names, viz:

Messrs. Able, Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Clark, Cooper, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Henton, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Simpson, Shuman, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Underwood, Walker of Rush, Wilson, Work, and Mr. Speaker—67.

On motion by Mr. Orr,

The further call was suspended.

On motion by Mr. Ballard,

The reading of the journal of yesterday was dispensed with.

**PETITIONS, MEMORIALS, &C., PRESENTED.**

By Mr. Lasselle:

From the grand jury of Allen county, praying the General Assembly to pass a law making it an indictable offense for justices of the peace failing to recognize witnesses in State cases.

Which was referred to the committee on the Judiciary.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House:

No. 166. A bill to regulate the taking of appeals from the court of common pleas.

No. 171. An act supplemental to an act entitled "an act concerning real property, and the alienation thereof, approved May 6, 1852, and providing for the sale and conveyance of the interest of an insane wife in the lands of her husband.

No. 175. An act to provide for the postponement of the Marion circuit court during a part of the session of the supreme court.

No. 181. An act to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same, in pamphlet form.

No. 182. An act requiring drawbridge companies to keep lights at night.

No. 202. An act to amend section one of an act entitled an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical, and building purposes, approved May 20, 1852—

Without amendment.

#### REPORTS FROM COMMITTEES.

Mr. Lasselle, from the committee on Ways and Means, made the following report:

**MR. SPEAKER :**

The committee on Ways and Means, to whom was referred House bill No. 210, entitled an act for the relief of Robert W. Dunbar, have had said bill under consideration, and beg leave respectfully to report it back and recommend that it be laid on the table, as the subject is provided for in the specific appropriation bill. Your committee ask to be discharged from further consideration of the subject.

The report was concurred in and the bill laid on the table.

Mr. Gentry, chairman of the committee on Military Affairs, made the following report:

**MR. SPEAKER :**

The committee on Military Affairs, to whom was referred a resolution of the House directing them to inquire into the expediency of repealing an act to organize the militia, and providing for the appointment and prescribing the duties of certain officers thereof, have

had the same under consideration and have directed me to report, that in the opinion of the committee it is inexpedient to legislate upon the subject at this time, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Gentry, chairman of the committee on Military Affairs, made the followidg report :

**MR. SPEAKER :**

The committee on Military Affairs, to whom was referred a resolution of the House directing them to inquire into the expediency of reporting a bill providing for the enumeration of the militia of Indiana, in order that the State might draw from the General Government her quota of public arms, have had the same under consideration, and have directed me to report that in the opinion of the committee any further legislation is impracticable, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

By unanimous consent of the House,

Mr. Pratt obtained leave and offered the following resolution :

*Resolved*, That the thanks of this House be tendered to the Hon. O. B. Torbet, Speaker of the House of Representatives, for the able, courteous and impartial manner in which he has presided over the House during the present session of the General Assembly.

Which was unanimously adopted.

The Speaker then delivered his valedictory ;

Which,

On motion by Mr. Walker of Laporte,

Was unanimously ordered to be placed upon the journal.

*Gentlemen of the House of Representatives :*

You have not time to listen to a long valedictory address, and I shall not weary you with a redundancy of words. I desire to respond briefly to your kind resolution. It bears testimony in my favor for which I thank you. It is more than I deserve, but I know that it is sincere ; for during this long session, many times have you exhibited that courtesy and kind regard expressed in your resolution. I am, and shall ever be grateful to you.

We are about to separate. As I look around this hall—at that old clock and those pillars—I am reminded that during the session of last winter, four members of the House were borne to their graves. This hall was clad in mourning. Not so now. At the close of this session, the hall looks cheerful, and there is no sorrow in our midst, not one of our number is missing. But, gentlemen, we shall not always be upon the earth. As I passed along the national road this morning, I noticed a very significant sign. It was a cabi-

net maker's sign. Upon one end was a cradle, on the other a coffin. A picture of human life! The beginning and the end! We are passing away. We should live and act so that when the summons comes we shall not fear to obey it. An approving conscience is the best of all rewards.

What is worldly honor that we should leave the path of virtue to seek it? It is like the bubble—a breath destroys it. It is like the sparkle of sunlight upon the waters—when you change position and approach to look, you find that it is gone, and a shadow rests where the sunlight played.

Gentlemen—again I thank you—and when the hammer falls for the last time this session, I hope you will regard it as another expression of my best wishes and farewell.

Mr. McDonald of Lake, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred Senate bill No. 115, in relation to exemption of 125 dollars from execution on contracts, made previous to July, 1852, have considered the same and directed me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

By unanimous consent,

Mr. Underwood obtained leave and offered the following resolution:

*Resolved*, That the Secretary of State be requested to furnish a synopsis of the votes for State officers; and also, for President and Vice President for the year 1852, that the same may be inserted in the Documentary Journal.

Which was adopted.

Mr. Hamrick moved to reconsider the vote on the passage of bill of the House No. 218, a bill making general appropriations for the years 1853 and 1854.

Mr. Lowe moved to lay the motion to reconsider on the table, And the question being put;

The ayes and noes were demanded by Messrs. Lowe and Graham.

*Those who voted in the affirmative were,*

Messrs. Able, Brown, Buell, Bundy, Catlin, Clark, Cooper, Dodd, Donald, Dufour, Farnsley, Gentry, Goodman, Graham, Handy, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Read, Scott, Steele, Stockwell, Tanner, Underwood, Walker of Laporte, and Mr. Speaker—30.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Burnett, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Ferris, Fleming, Greene, Hamrick, Harris, Hartley, Hendricks, Handy, Henton, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Martin, McClure, McKinney, Orr, Parker, Pratt, Price, Richardson, Rockafellar, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Taber, Thomas, Wilson and Work—52.

So the motion to reconsider was not laid on the table.

Mr. Milroy called the previous question ;

Which was seconded by the House.

The question then being, shall the main question be now put ?

It was decided in the affirmative.

The main question being, on reconsidering the vote on the passage of the bill,

And being put ;

The ayes and noes were demanded by Messrs. McKee and Dufour.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Burnett, Donald, Donelson, Druley, Dunlavey, Dyer, Ferris, Fleming, Greene, Hammond, Hamrick, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Martin, McClure, McKinney, Orr, Pratt, Price, Richardson, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Spencer, Stackhouse, Struble, Taber, Thomas, Turpie, Walker of Rush, and Work—50.

*Those who voted in the negative were,*

Messrs. Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Dufour, Emery, Farnsley, Freeland, Gentry, Graham, Handy, Lasselle, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, Milroy, Moss, Parker, Rockafellar, Scott, Steele, Stockwell, Tanner, Underwood, Walker of Laporte, Wilson and Mr. Speaker—36.

So the vote was reconsidered.

Mr. Hamrick moved to recommit the bill with the following instructions :

Strike out the \$28,000 appropriated to be expended in 1854 in building the north wing of the Hospital for the Insane.

The question being put,  
The ayes and noes were demanded by Messrs. Dufour and McKee.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brothwell, Brown, Burnett, Donald, Donelson, Druley, Dunlavey, Durham, Dyer, Ferris, Fleming, Gentry, Greene, Hammond, Hamrick, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Martin, McClure, McKinney, Orr, Parker, Pratt, Richardson, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Taber, Thomas, Turpie, Walker of Rush and Wilson—54.

*Those who voted in the negative were,*

Messrs. Bridges, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Dufour, Emery, Farnsley, Goodman, Graham, Handy, Lowe, Manville, McDonald of Lake, McDonnall of Sullivan, McKee, Read, Rockafellar, Scott, Stockwell, Steele, Tanner, Underwood, Walker of Laporte and Mr. Speaker—28.

So the bill was recommitted to a select committee of five, consisting of Messrs. Hamrick, Pratt, Underwood, Gentry, and Tanner.

On motion by Mr. Dufour,

The order of business was suspended and bill of the House No. 211, a bill to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto, which had been lost for want of a constitutional majority, was taken up.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Buell, Bundy, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Ferris, Gentry, Goodman, Graham, Greene, Hammond, Hamrick, Handy, Henry, Henton, Hicks, Hunt, Jones of Jennings, Laird, Lasselle, Lines, Lowe, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, Moss, Orr, Price, Pratt, Read, Rockafellar, Ryan, Scott, Seawright, Shelby, Steele, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush and Work—55.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Catlin, Durham, Farnsley, Fleming, Hartley, Hendricks, Johnson, Jones of Boone, Jones of Ripley, Lemmon, Lewis, McKee, McKinney, Parker, Richardson, Shoemaker, Simpson, Stackhouse, Stephens, Tanner and Wilson—24.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Hicks obtained leave and offered the following resolution:

*Resolved*, That the thanks of this body be tendered to the principal and assistant clerks and door-keepers of this House, for the efficient manner in which they have discharged their duty during the present session.

Which was adopted.

By unanimous consent,

Mr. Read, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred Senate bill No. 29, "a bill to enable aliens to take upon certain conditions real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the court of common pleas and certain officers in relation thereto," have had the same under consideration, and directed me to report the same back with the following amendments:

1st. Strike out all of said bill after the enacting clause and insert the following: that alien friends may hereafter take real estate by descent or devise in the same manner and under the same rules as native born citizens; and in all cases where lands have heretofore escheated to the State of Indiana, in consequence of the persons to whom the same was devised or had descended being aliens, the State hereby releases to such heirs or devisees, the interest she may have acquired in the same by escheat, and such alien heirs or devisee, shall take such lands in the same manner and proportion as if they had at the time of the death of their ancestor or devisor been citizens of the United States: *Provided*, that such heirs or devisees shall within five years after the death of such ancestor or devisor, if the same occurs after the passage of this act, or within five years after the passage of this act, if such ancestor or devisor had died before the passage of this act, either remove to this State and declare their intentions to become citizens of the United States in conformity with the laws of Congress, or within the same period shall sell and convey such lands to some citizen of the United States.

**SEC. 2.** The court of common pleas of the county in which such ancestor died, shall appoint a guardian for any such heirs or devisees as may be minors, taking from him a bond and surety for the faithful discharge of his duties as such, and such guardian shall proceed within the five years above limited, to sell the real estate belonging to such minor, [as] other lands [are] sold, belonging to the minor under the order of said court, and report his proceedings thereon to the court of common pleas for confirmation, and shall account to his ward for the proceeds of such sales, after deducting expenses and compensation to be allowed by such court. And when so amended, a majority of the committee have instructed me to recommend its passage, and the committee ask to be discharged, &c.

On motion by Mr. Turpie,

The bill and pending amendments were laid on the table.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the Senate thereof:

No. 137. A bill prescribing the manner of reporting to the General Assembly, by the Superintendents of the Hospital for the Insane, the Institute for the Education of the Blind, and the Asylum for the Deaf and Dumb.

In which the concurrence of the House is respectfully requested.

Bill No. 137, contained in the foregoing message;

Was read a first time.

Mr. Hamrick moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Donald, Druley, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Hamrick, Handy, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson and Work  
—76.

No person voting in the negative.



So the rule was suspended, and the bill read a second time and ordered to a third reading.

A message from the Senate by Mr. Sites, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof.

No. 139. A bill to amend an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.

No. 140. A bill to provide for the printing, binding and distribution of the laws of the present session of the General Assembly.

In which the concurrence of the House is respectfully requested.

Bills No. 139 and 140, contained in the foregoing message, were read a first time, and passed to a second reading.

A message from the Senate by Mr. Sites their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

*Resolved*, By the Senate, the House concurring, that the Superintendent of the insane hospital be directed to receive into said institution Mr. Johns, of Johnson county, who is at this time insane, and whose friends are not able to take care of him.

In which the concurrence of the House is respectfully requested.

Mr. Steele moved to reciprocate the resolution of the Senate with the following amendment:

Add the name of "Daniel Lambert, of Pike county."

Mr. Dufour moved to amend the amendment by adding the name of "Mr. McKay, of Switzerland county."

Which was agreed to.

Mr. Graham moved to amend the amendment by adding the name of "Lawrence Demotte of Pike county."

Which was agreed to.

Mr. Gentry moved to amend the amendment by adding "all the insane persons of the State."

When,

On motion by Mr. Turpie,

The resolution and pending amendments were laid on the table.

A message from the Senate, by Mr. Sites, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bill of the House.

No. 208. A bill to prevent railroad companies from changing depots, except on certain conditions therein named.

Without amendment.

A message from the Senate by Mr. Sites their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House.

No. 205. An act to amend the 18th, 24th, 25th and 26th sections of an entitled "an act regulating descents and the apportionment of estates," with sundry engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to bill of the House, No. 205, contained in the foregoing message were considered separately.

When the 1st, 3d, 4th and 5th, amendments were concurred in by the House.

Engrossed amendment No. 2, was concurred in with the following amendment :

"And if such widow shall not marry a second time, such real estate shall, at her death descend to the children of the husband from whom she inherits the same.

Ordered, that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Manville, from the committee on Ways and Means obtained leave, and made the following report.

MR. SPEAKER :

The committee on Ways and Means to whom was referred a report from the joint committee on public buildings, upon a resolution authorizing the Auditor of State to purchase a safe in which to preserve the valuable public documents in his office, have had said report under consideration, and beg leave respectfully to report it back with a recommendation that it be concurred in. That part of the resolution relating to the reparation of the Treasurer of State's office has been attended to in the special appropriation bill. Your committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

On motion by Mr. Hamrick,

Leave of absence was granted to the select committee on the general appropriation bill, for a few minutes.

On motion by Mr. Chapin,

House bill No. 98, a bill to authorize the redemption of forfeited congressional school lands by persons who were purchasers thereof and their assignees, heirs, and legal representatives, was taken from the table and referred to the committee on education.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House:

No. 110. An act to revise and amend an act entitled an act to authorize and regulate the business of general banking approved May 28, 1852.

With sundry engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. McDonald of Lake,

The bill and engrossed amendments were referred to the select committee on banks.

Mr. Manville moved the House adjourn,

Which motion did not prevail.

By unanimous consent,

Mr. Hamrick from, a select committee obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to whom was recommitted House bill No. 218, with certain instructions, have had the same under consideration and in accordance with such instructions, the committee report the following amendment:

Strike out section 8, and insert the following in lieu of it:

SEC. 8. That the sum of \$18,000 be appropriated for the Hospital for the Insane, for the support of such institution for the year 1854.

The report was concurred in.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Burnett, Chapin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Dyer,

Emery, Ferris, Fleming, Freeland, Gentry, Goodman, Graham, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lemmon, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Orr, Pratt, Price, Read, Richardson, Rockefeller, Ryan, Scott, Seawright, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Ballard, Bundy, Catlin, Donelson, Dufour, Farnsley, Greene, Hamrick, Hooper, Jones of Jennings, Laird, McKinney, Shelby and Shoemaker—14.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Fleming, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined and compared engrossed bills of the House Nos. 177, and 194, and find the same correctly engrossed.

A message from the Governor, by Mr. Tarkington, executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives, that the following bills have been by him signed and approved.

No. 90. An act to amend the 19th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

No. 85. An act to amend an act entitled "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852; also, amendatory to an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852.

No. 149. An act authorizing the township trustees in the several townships in this State to administer oaths.

No. 124. An act to provide for the selection, and impanneling of

petit jurors in the courts of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of impanneling petit jurors, the number and compensation thereof," approved May 20, 1852.

No. 204. An act to provide for the distribution of the township law.

No. 97. An act amendatory of the 2d section of "an act for the incorporation of cities," approved June 18, 1852, and for a more economical method of ascertaining the population of such cities preparatory to the adoption of the provisions of the act herein mentioned, of June 18, 1852.

No. 29. An act to amend section 119, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

No. 115. An act to authorize any person, desiring to erect a flouring mill or other machinery, to be propelled by water, on his own land, to make a race-way below such mill or machinery, through land belonging to other persons, and to regulate the assessment and payment of damages therefor," being an act supplemental to article 41, chapter 1 of part second of the Revised Statutes of 1852.

No. 48. An act to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

No. 112. An act to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, which section read as follows, to-wit: "The qualified voters in each township shall, on the first Monday in April, annually, at the usual place of holding elections in such township, elect three trustees, a clerk, and treasurer, who shall severally hold their offices for one year and until their successors are elected and qualified, and before entering upon the duties of their respective offices, they shall take an oath or affirmation, before a justice of the peace of the proper township, for the faithful performance of their respective offices.

No. 89. An act authorizing cities to subscribe stock in railroad, plankroad or turnpike companies.

On motion by Mr. Manville,  
The House adjourned.

1½ o'clock, P. M.

House met.

The Speaker ordered a call of the House.

The Clerk proceeded to the call when the following members answered to their names, viz:

Messrs. Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—74

On motion by Mr. Ferris,

A further call was suspended.

By unanimous consent,

Mr. Ferris obtained leave and presented a petition from the annual meeting of the Society of Friends held at Newport, Indiana, on the subject of temperance; which,

On motion by Mr. Ferris,

Was referred to a select committee of five, consisting of Messrs. Ferris, Goodman, Pratt, Parker and Turpie.

By unanimous consent,

Mr. Ferris obtained leave and presented a petition from the annual meeting of the Society of Friends held at Newport, Indiana, praying the repeal of the 13th article of the constitution;

Which was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

By unanimous consent,

Mr. Chapin obtained leave and offered the following preamble and resolution:

**WHEREAS**, Investigation has shown that several millions in amount of the bonds of the State that have been redeemed, cannot be found, and that a discrepancy, to a large amount, exists between the accounts of a former agent of State and the books of the Auditor of State; **AND WHEREAS**, it appears from the official reports of the proper officer, that a much greater amount of the domestic debt of the State has been paid than the State was justly liable to pay; therefore,

*Be it resolved*, the Senate concurring, that a joint select committee

to consist of one from the Senate, and two from the House, be appointed to investigate the books, accounts and papers of the officers of the Treasurer of State, Auditor of State, and Agent of State, in relation to such facts, and all other facts affecting the interests of the State, and that they report thereon to the Governor at as early a day as practicable; that said committee have leave to sit after adjournment, and have power to send for persons and papers, and compel their attendance. That the per diem of such committee, the pay of witnesses and other expenses necessarily incurred by order of said committee, be audited on the certificate of the chairman thereof, and paid out of the State Treasury—that said committee shall hold their sessions at no other place than Indianapolis, and shall make no charge for personal expenses. That one thousand copies of the report of said committee be published as soon as made and distributed by the Governor.

Mr. Seawright moved to amend the resolution as follows:

Elect by a viva voce vote.

Which was adopted.

Mr. Dufour moved to amend as follows:

Their pay shall not exceed three dollars per day.

Which was adopted.

The question then recurring on the resolution as amended,

And being put;

The ayes and noes were demanded by Messrs. Manville and Parker.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Buell, Burnett, Chapin, Clark, Cooper, Donald, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Ferris, Fleming, Goodman, Graham, Greene, Hamrick, Harris, Hartley, Hicks, Hooper, Hunt, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Martin, McDonald of Lake, Moss, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Tanner, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Bundy, Catlin, Dodd, Druley, Farnsley, Gentry, Handy, Hendricks, Johnson, Jones of Boone, Laird, Lines, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Ryan, Shelby, Steele, Stockwell, Struble, Taber, Thomas, Turpie and Underwood—27.

So the resolution was adopted.

On motion by Mr. McDonald of Lake,  
Senate bill No. 81, a bill to amend section 36 of an act entitled  
"an act prescribing who may make a will, the effect thereof, what  
may be devised, regulating the revocation, admission to probate and  
contest thereof," approved May 31, 1852;

Was taken from the table.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett,  
Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Dufour,  
Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham,  
Greene, Hamrick, Handy, Hartley, Hendricks, Hicks, Hooper, Hunt,  
Johnson, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Martin,  
Manville, McClure, McDonald of Lake, McDonnall of Sullivan,  
McKee, McKinney, Moss, Parker, Pratt, Price, Read, Richardson,  
Rockafellar, Ryan, Scott, Shoemaker, Shuman, Simpson, Stackhouse,  
Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood,  
Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker  
—69.

*Those who voted in the negative were,*

Messrs. Ballard, Dunlavey, Jones of Boone, Jones of Jennings,  
Seawright and Shelby—6

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Fleming obtained leave and offered the following resolution:

*Resolved*, That the Senate be invited to attend in the hall of the  
House instantler, for the purpose of Electing trustees for the Asylums  
of the Deaf and Dumb, and also of the Blind.

Which was adopted.

On motion by Mr. Walker of Laporte,

The vote adopting the resolution offered by Mr. Chapin was re-  
considered, and the resolution referred to the committee on the Judi-  
ciary, with instructions to inquire if it be constitutional.

The Senate came into the hall, when both houses of the General  
Assembly, in joint convention, by a *viva voce* vote, proceeded to the  
election of six trustees for the institution for the education of the  
Deaf and Dumb.

When,





*The members of the House voted as follows:—Continued.*

NAMES OF MEMBERS.	Drake.	Brown.	Spann.	Nicolai.	Walker.	Bigger.	Cook.	Blank.
Emery .....	1	1	1	1	1	...	...	...
Farnsley .....	1	1	1	1	1	1	...	1
Ferris .....	...	...	...	...	1	...	...	...
Fleming .....	1	1	1	1	1	1	...	...
Gentry .....	1	1	1	1	1	1	...	...
Goodman .....	...	...	1	...	...	...	...	1
Graham .....	1	1	1	...	1	...	...	...
Handy .....	1	1	1	1	1	1	...	...
Hicks .....	1	1	1	1	1	1	...	...
Howell .....	1	1	1	1	1	1	...	...
Johnson .....	...	...	...	...	...	...	...	1
Jones of Boone .....	1	1	1	1	1	1	...	...
Jones of Jennings .....	1	1	1	1	1	1	...	...
Jones of Ripley .....	1	1	1	1	1	1	...	...
Lasselle .....	1	1	1	1	1	1	...	...
Lemmon .....	1	1	1	1	1	1	...	...
Lowe .....	1	1	1	1	1	1	...	...
Manville .....	1	1	1	1	1	1	...	...
McClure .....	1	1	1	1	1	1	...	...
McDonald of Lake .....	1	1	1	1	1	1	...	...
McDonnall of Sullivan .....	1	1	1	1	1	1	...	...
McKee .....	1	1	1	1	1	1	...	...
McKinney .....	1	1	1	1	1	1	...	...
Moss .....	1	1	1	1	1	1	...	...
Orr .....	...	...	1	...	1	1	...	1
Parker .....	1	1	1	1	1	1	...	...
Pratt .....	...	...	...	...	1	...	...	...
Price .....	1	1	1	1	1	1	...	...
Read .....	1	1	1	1	1	1	...	...
Richardson .....	1	1	1	1	1	1	...	...
Rockafellar .....	1	1	1	1	1	1	...	...
Ryan .....	...	...	...	...	1	...	...	1
Seawright .....	1	1	1	1	1	1	...	...
Shoemaker .....	1	1	1	1	1	1	...	...
Shuman .....	...	...	...	...	...	...	...	1
Simpson .....	1	1	1	1	1	1	...	...
Stackhouse .....	1	1	1	1	1	1	...	...
Steele .....	1	...	1	...	...	...	...	1
Stephens .....	1	1	1	1	1	1	...	...
Stockwell .....	1	1	1	1	1	1	...	...
Struble .....	1	1	1	1	1	1	...	...
Tanner .....	1	1	1	1	1	1	...	...
Thomas .....	1	1	1	1	1	1	...	...
Turpie .....	1	1	1	1	1	1	...	...
Underwood .....	1	1	1	1	1	1	...	...
Walker of Laporte .....	1	1	1	1	1	1	...	...
Wilson .....	1	1	1	1	1	1	...	...
Work .....	1	1	1	...	1	1	...	...
Mr. Speaker .....	1	1	1	1	1	1	...	...
	59	57	61	55	61	56		9

Whole number of votes cast .....	105
Necessary to a choice .....	53
Of which J. P. Drake received .....	87
W. J. Brown .....	85
J. S. Spann .....	94
J. Nicolai .....	83
Jacob Walker .....	92
F. Bigger .....	86
Blank .....	22

Messrs. J. P. Drake, W. J. Brown, J. S. Spann, J. Nicolai, Jacob Walker and F. Bigger, each having received a majority of all the votes given, were declared duly elected Trustees of the Institution for the education of the Deaf and Dumb, to serve as such, for and during the term prescribed by law.

The convention then proceeded by a viva voce vote, to the election of six Trustees of the Institution for the education of the Blind; When,

*The members of the Senate voted as follows :*

NAMES OF MEMBERS.	Ellis.	Cook.	Carr.	McCullough	Blackford.	Deming.	Read.	Blank.
Adams.....	1	1	1	1	1	...	1	...
Anthony.....	1	1	1	1	1	...	1	...
Barnett.....	1	1	1	1	1	1	...	...
Barton.....	1	1	1	1	1	...	1	...
Brookshire.....	1	1	1	1	1	...	1	...
Brown.....	1	1	1	1	1	...	1	...
Butler.....	1	1	...	...	1	1	...	1
Combs.....	1	1	...	1	1	1	...	...
Cox.....	1	1	1	1	1	...	1	...
Cutshaw.....	1	1	1	1	1	...	1	...
Edsall.....	1	1	1	1	1	...	1	...
Gant.....	1	1	1	1	1	...	1	...
Gibson.....	1	1	1	1	1	...	1	...
Glazebrook.....	1	1	1	1	1	...	1	...
Greathouse.....	1	1	1	1	1	...	1	...
Gordon.....	1	1	1	1	1	...	1	...
Hall.....	1	1	1	1	1	...	1	...
Hawthorn.....	1	1	1	1	1	...	1	...
Horton.....	1	1	1	1	1	...	1	...
Hosbrook.....	1	1	1	1	1	1	...	...
Jackson of Madison.....	1	1	1	1	1	...	1	...
Jackson of Tipton.....	1	1	1	1	1	...	1	...
Kightley.....	1	...	1	1	1	1	...	...
Meeker.....	1	1	1	1	1	...	...	1
Odell.....	...	1	...	...	1	...	...	1
Powell.....	1	1	1	1	1	...	1	...
Reynolds.....	1	1	1	1	1	...	1	...
Roberts.....	...	...	1	...	1	...	1	1
Shellenbarger.....	1	1	1	1	1	...	1	...
Shields.....	1	1	1	1	1	...	1	...
Shook.....	1	1	1	1	1	...	1	...
Slater.....	1	1	1	1	1	...	1	...
Spann.....	1	1	1	1	1	...	1	...
Sullivan.....	1	1	1	1	1	...	1	...
Vandeventer.....	...	1	...	...	1	...	...	1
Williams.....	1	1	...	...	1	1	...	1
Wilson of Harrison.....	...	1	...	...	1	...	...	1
Wilson of Jay.....	1	...	...	...	1	1	...	1
	34	35	31	31	37	7	27	8

*The members of the House voted as follows:*

NAMES OF MEMBERS.	<i>Ellis.</i>	<i>Cook.</i>	<i>Carr.</i>	<i>McCullough</i>	<i>Blackford,</i>	<i>Deming.</i>	<i>Read.</i>	<i>Blank.</i>
Able .....	1	1	1	1	1	....	1	....
Brecount.....	1	1	1	1	1	....	1	....
Bridges .....	1	1	1	1	1	....	1	....
Brown.....	1	1	1	1	1	....	1	....
Buell.....	1	1	1	1	1	....	1	....
Bundy.....	1	1	1	1	1	....	1	....
Burnett.....	....	....	....	....	....	....	1	....
Catlin.....	1	1	1	1	1	....	1	....
Chapin.....	1	1	1	1	1	....	1	....
Clark.....	1	1	1	1	1	....	1	....
Cooper.....	1	1	1	1	1	....	1	....
Dodd.....	1	1	1	1	1	1	....	....
Donald.....	....	1	....	....	1	....	1	....
Druley.....	1	1	1	1	1	....	1	....
Dufour.....	1	1	1	1	1	....	1	....
Dunlavey.....	1	1	1	1	1	....	1	....
Durham.....	1	1	1	1	1	....	1	....
Emery.....	1	1	1	1	1	....	1	....
Farnsley.....	1	1	1	1	1	....	1	....
Ferris.....	1	1	....	....	1	1	....	....
Fleming.....	1	1	1	1	1	....	1	....
Gentry.....	1	1	1	1	1	....	1	....
Graham.....	1	1	....	....	1	....	1	....
Handy.....	1	1	1	1	1	....	1	....
Hartley.....	1	1	1	1	1	....	1	....
Hendricks.....	1	....	....	....	1	....	1	....
Hicks.....	1	1	1	1	1	....	1	....
Howell.....	1	1	1	1	1	....	1	....
Johnson.....	....	1	....	....	1	....	....	....
Jones of Boone.....	1	1	1	1	1	....	1	....
Jones of Jennings.....	1	1	1	1	1	....	1	....
Jones of Ripley.....	1	1	1	1	1	....	1	....
Lasselle.....	1	1	1	1	1	....	1	....
Lemmon.....	1	1	1	1	1	....	1	....
Lewis.....	1	1	1	1	1	....	1	....
Lowe.....	1	1	1	1	1	....	1	....
Manville.....	1	1	1	1	1	....	1	....
McClure.....	1	1	1	1	1	....	1	....
McDonald of Lake.....	1	1	1	1	1	....	1	....
McDonnall of Sullivan.....	1	1	1	1	1	....	1	....
McKee.....	1	1	1	1	1	....	1	....
McKinney.....	1	1	1	1	1	....	1	....
Moss.....	1	1	1	1	1	....	1	....
Orr.....	1	1	....	....	1	....	....	....
Parker.....	1	1	1	1	1	....	1	....
Pratt.....	1	1	....	....	1	....	....	....
Price.....	1	1	1	1	1	....	1	....
Read.....	1	1	1	1	1	....	....	....
Richardson.....	1	1	1	1	1	....	1	....
Rockafellar.....	1	1	1	1	1	....	1	....
Scott.....	1	1	....	....	1	....	....	....
Seawright.....	1	1	1	1	1	....	1	....
Shoemaker.....	1	1	1	1	1	....	1	....
Shuman.....	....	....	....	....	....	....	....	1
Simpson.....	1	1	1	1	1	....	1	....
Stackhouse.....	1	1	1	1	1	....	1	....
Steele.....	1	1	1	1	1	....	1	....
Stephens.....	1	1	1	1	1	....	1	....
Stockwell.....	1	1	1	1	1	1	....	....
Struble.....	1	1	1	1	1	....	1	....
Tanner.....	1	1	1	1	1	....	1	....
Thomas.....	1	1	1	1	1	....	1	....
Turpie.....	1	1	1	1	1	....	1	....
Underwood.....	1	1	1	1	1	....	1	....
Walker of Laporte.....	1	1	1	1	1	....	1	....
Wilson.....	1	1	1	1	1	....	1	....
Work.....	1	1	1	1	1	....	1	....
Mr. Speaker.....	1	1	1	1	1	....	1	....
	64	65	58	58	66	3	59	1

Whole number of votes cast.....	106
Necessary to a choice.....	54
Of which E. W. H. Ellis received.....	97
J. H. Cook received.....	100
J. F. Carr received.....	89
W. B. McCullough received.....	89
Isaac Blackford received .....	104
J. G. Read received.....	83
D. E. Deming received.....	10
Blank.....	9

Messrs. E. W. H. Ellis, J. H. Cook, J. F. Carr, W. B. McCullough, Isaac Blackford and James G. Read, each having received a majority of all the votes given were declared duly elected Trustees of the Institution for the education of the Blind, to serve as such for and during the term prescribed by law.

The convention then adjourned, having accomplished the object for which they were assembled, and the Senate retired to their chamber.

The Speaker laid before the House, the following communication from the Principal Clerk.

#### MR. SPEAKER :

In obedience to a resolution of the House adopted on yesterday, requiring the Principal Clerk to report to the House the names and number of assistant clerks employed during the session, I have the honor to submit the following report:

That I have during the session employed six assistants in the discharge of the duties assigned to me, which assistants have been constantly employed; one to assist the Principal in reading, one on miscellaneous duties, writing messages, copying resolutions, etc., one engrossing clerk, two to assist in making up the journal, and one enrolling clerk. Their names are Messrs. Strange S. Dunn, Joseph Sims, E. Ellis Campbell, J. Henry Gibbons, John Sonner and Stephen G. Dodge. During the pressure of business, for the past few days, the principal has found it necessary, in order to forward the business of the House—the amount of engrossing and enrolling having been very heavy, to have more assistance—this however, has been occasioned partly by the sickness of one of the assistant journal clerks, and the increased amount of enrolling.

The Principal Clerk takes great pleasure in bearing testimony to the efficiency and energy of the assistants he has had to assist him in the discharge of his duties during the session.

The enrolling of bills, which has heretofore been performed by the Secretary of State, has by the law of last session, been transferred to the two Houses; this is not only an advantage in facilitating the business of legislation, but particularly so on the score of

economy, as it is done with no increase of clerks over the number heretofore deemed necessary, for the transacting of the ordinary business of the House, except during the last few days of the session.

In this department, during the present session, there has been performed the labor of enrolling in a manner which merits the favorable notice of the House.

In conclusion, the Principal Clerk would state, for the information of the House, that the number of assistants has been graduated to the absolute requirements of the House, and for the liberal spirit manifested by the House, in the matter of clerk allowance, during the early part of the session, much facility has been rendered to the prompt discharge of the duties of his office.

That portion of the resolution in regard to Door-keepers employed, the Principal Clerk has transferred to the Door-keeper for information.

I remain yours, etc.,

W. R. BOWES, *Clerk H. R.*

Which was informally laid on the table.

Mr. Chapin moved to reconsider the vote refusing to order Senate bill No. 95, a bill fixing the salary of the private secretary of the Governor, to a third reading;

Which was decided in the negative.

On motion by Mr. McDonald of Lake,

Leave of absence was granted to the select committee on Banks for the remainder of the evening.

On motion by Mr. Pratt,

Senate bill No. 102, a bill fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of the State;

Was taken up,

And the bill read a second time.

Mr. Pratt moved to amend section 1 so as to strike out clause 12 and insert the following:

In the county of Cass, on the first Mondays of February, May, August and November, and sit two weeks at each term, if the business thereof requires it.

Which was adopted.

Mr. Able offered the following amendment to clause 17 of section one:

Strike out all after the words 'second Mondays,' and insert the following: 'succeeding the third Mondays in January, April, July and October, and shall sit two weeks, if the business require it.'

Which was adopted.

Mr. Orr moved to amend clause 18, of section 1 thus:

Delaware county, strike out the third Mondays and insert the 4th Mondays in said months.

Which was adopted.

Mr. Work moved to amend clause 19 to read as follows:

In the county of DeKalb on the 1st Mondays in January, on the 1st Mondays in April, on the 1st Mondays in August, on the 1st Mondays in October; one week at each term.

Which was adopted.

Mr. Durham moved to amend 14th clause thus:

That said court for the county of Dearborn, shall commence on the first Monday in March, June, September and December, and shall sit three weeks if the business require it.

Which was adopted.

Mr. Moss moved to amend 32nd clause thus:

In the county of Howard on the fourth Mondays in February, May, August and November, and sit one week.

Which was adopted.

Mr. Hendricks moved to amend 37th clause:

amend as to the sessions of the common pleas of Jefferson county by striking out the words 'January, April, July, and October,' and substituting the words 'February, May, August and November.'

Which was adopted.

Mr. Pratt moved to amend clause 53, by striking the same out and inserting in lieu thereof as follows:

In the county of Miami on the first Mondays of January, April, July and October, and sit two weeks at each term thereof if the business require it.

Which was adopted.

Mr. Laird moved to amend clause 61 as follows:

Strike out the word 'one' week where it occurs in said section and insert the word 'two' weeks.

Which was adopted.

Mr. Richardson moved to amend clause 71 as follows:

Strike out 'one week, and insert 'two weeks.'

Which was adopted.

Mr. Work moved to amend clause 73 thus:

On the 2nd Mondays of January, April, August and October, one week at each term.

Which was adopted.

Mr. Moss moved to amend clause 75 thus:

In the county of Tipton on the first Mondays of March, June, September and December, and sit one week if the business require it.

Which was adopted.

Mr. Moss moved to amend by adding the following section:

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore this act shall be in force from and after its passage and publication in the State Sentinel and Journal; and it is hereby made the duty of the Secretary of State to forward a copy of the same immediately after its passage, to the publishers of said papers.

Which was adopted.

And the bill ordered to a third reading.

On motion by Mr. Turpie,

House bill No. 216, a bill to amend an act entitled an act to incorporate the town of Plymouth, Marshall county Indiana, to extend the limits of said town to the out-lots for purposes of taxation, to require non-residents to pay license for selling at private sale goods, wares, or merchandize in said town, to empower the president and trustees of said town to order a re-survey of streets and alleys and drains in said town, to allow fifty per centum damages upon sales of property delinquent for non-payment of taxes, which had been lost for want of a constitutional majority, was taken up.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown Buell, Burnett, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Löwe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Jones of Boone, Shoemaker, Stackhouse and Tanner—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

*Senate Bills on third reading.*

No. 120. A bill granting the right of way to the Ohio and Indianapolis Railroad Company, to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb,

Was read a third time,

And the question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Hamrick, Johnson and Jones of Boone—3.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 105. A bill giving to courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Waker of Rush, Wilson and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Ballard, Burnett, Dyer, Lemmon, Orr, Steele and Struble—7.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Hicks, from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House No. 55, 126, 142, 160, 166, 171, 175, 178, 179, 180, 181, 182, 202 and 208, with the engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hamrick,

The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
March 4, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Graham,

A call of the House was ordered.

When the following members answered to their names, viz :

Messrs. Able, Brecount, Bridges, Brown, Bundy, Burnett, Clark, Donald, Donelson, Druley, Dunlavey, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Graham, Greene, Hamrick, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lewis, Lines, Lowe, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Wilson and Mr. Speaker—67.

On motion by Mr. Parker,

A further call was dispensed with.

On motion by Mr. Graham,

The reading of the Journal was dispensed with.

Mr. Hicks moved that the select committee on Banks be directed

to return to this House instanter, bill No. 110, a bill to revise and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, with Senate amendments, without amendment.

And the question being put;

The ayes and noes were demanded by Messrs. Pratt and Hicks.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Brown, Bundy, Catlin, Clark, Dodd, Donald, Donelson, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Graham, Handy, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Stackhouse, Stephens, Struble, Tanner, Thomas, Turpie, Walker of Laporte, Wilson, Work and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Burnett, Dyer, Goodman, Ferris, Harris, Hendricks, Hooper, Johnson, Jones of Jennings, Lines, Martin, McKinney, Ryan, Scott, Shelby, Steele, Taber, and Walker of Rush—18.

So the motion prevailed.

Mr. Moss moved to proceed to the orders of the day.

Which was not agreed to.

#### REPORTS FROM COMMITTEES.

Mr. Walker of Laporte, chairman of the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education to whom was referred House bill No. 98, a bill to authorize the redemption of forfeited congressional school lands by persons who were purchasers thereof, and their assigns, heirs and legal representatives, have again had the same under consideration, and could find no reason why the opinions first reported to this House should be changed. They, therefore, again recommend that the bill be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. McDonald of Lake, chairman of the select committee on Banks, in obedience to the order of the House, returned bill No. 110,

And the question being, on concurring in the engrossed amendments of the Senate,

Mr. Hicks called the previous question;

Which was seconded by the House.

The question then being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Pratt and Johnson.

*Those who voted in the affirmative were,*

Messrs. Able, Brecount, Bridges, Brown, Bundy, Catlin, Clark, Cooper, Dodd, Donald, Donelson, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Thomas, Turpie, Wilson, Work and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Burnett, Druley, Ferris, Goodman, Hamrick, Hendricks, Lines, Scott, and Walker of Laporte—9.

No quorum voting.

On motion by Mr. Moss,

The vote seconding the previous question was reconsidered.

The question then being on seconding the call for the previous question,

Which was decided in the negative.

On motion by Mr. Dufour,

House bill No. 110, was recommitted to the select committee, with instructions to report it back instanter.

Mr. Moss moved to proceed to the orders of the day.

Which was not agreed to.

On motion by Mr. Moss,

The order of business was suspended and Senate bill No. 102, a bill fixing the time of holding the courts of common pleas and the length of the terms thereof, in the several counties of this State;

Was taken up and read a third time.

By unanimous consent,

On motion by Mr. Hooper,

The following amendment was adopted:

In the county of Whitley on the first Monday in January, April, July and October; and in the county of Noble on the third Monday in January, April, July and October.

By unanimous consent,

On motion by Mr. Emery,

The following amendment was adopted:

Amend by striking out the first Monday in December, March, June and September; and insert the first Monday in January, April,

July and October in the county of Huntington; and in the county of Wells, the succeeding Mondays in the same months.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brown, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Durham, Dyer, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonald of Sullivan, Moss, Orr, Parker, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Taber, Turpie, Underwood, Walker of Rush, Wilson, Work and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Jones of Jennings and Lemmon.—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent,

Mr. Orr obtained leave and offered the following resolution:

*Resolved*, That bill No. 180, be published in the Indiana State Journal and State Sentinel, and the Secretary of State shall transmit a copy of said bill to the clerks of the circuit courts of the several counties in this State without delay.

Which was adopted.

On motion by Mr. Ryan,

The order of business was suspended, and

Senate bill No. 98, a bill fixing the time of holding the circuit courts in the 8th judicial circuit;

Was taken up and read a second time.

Mr. Chapin moved to suspend the rule and read the bill a third time now.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Burnett, Catlin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Harris, Hartley, Hendricks, Hicks, Howell, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall

of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Steele, Stephens, Stockwell, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Shelby, Stackhouse and Struble—3.

So the rule was suspended and the bill read a third time.  
And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Hamrick, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Johuson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Shelby and Stackhouse—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Orr,

Leave of absence was granted to Mr. Bundy for the remainder of the session, on account of sickness.

On motion by Mr. Manville,

Senate bill No. 140, a bill to provide for the printing, binding and distribution of the laws of the present session of the General Assembly.

Was read a second time,

Mr. Manville moved to suspend the rule and read the bill a third time now.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—74.

Mr. Shelby voting in the negative.

So the rule was suspended, and the bill read a third time.  
And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—77.

No person voting in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent,

Mr. McDonald of Lake, chairman of the committee on the Judiciary, obtained leave and made the following report.

**MR. SPEAKER:**

The Judiciary committee to which was referred resolution of the House No. 32, have had the same under consideration, and a majority have directed me to report that in their opinion the General Assembly

have the right under the Constitution to authorize a joint committee to sit during the vacation for the purpose of investigating any matter they may deem of important interest to the people.

Which was not concurred in.

On motion by Mr. Manville,

The resolution contained in the foregoing report was laid on the table.

On motion by Mr. Hamrick,

Leave of absence was granted to Mr. Hartley for the remainder of the session on account of sickness in his family.

By unanimous consent,

Mr. Howell, chairman of the committee on County and Township business, obtained leave and made the following report:

MR. SPEAKER:

The committee on County and Township business to whom was referred a resolution of the House instructing them to inquire into the expediency of allowing the supervisors of the several road districts in this State, to apply a sufficient amount of road funds that may come into his hands in purchasing suitable implements to improve the roads in their several districts and report by bill or otherwise, have had the same under consideration and have directed me to report that at the late hour of the session your committee deem it inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in.

On motion by Mr. Jones of Ripley,

Senate bill No. 36, a bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company, was taken up and read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Buell, Burnett, Catlin, Chapin, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Shelby, Shoemaker, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—74.



Mr. Shuman voting in the negative.

So the bill passed,

Ordered, that the Clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

##### *Senate Bills on Third Reading.*

No. 108. A bill to repeal certain sections of the law incorporating the town of Cleveland, in Hancock county.

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Hartley, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—72.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary :

#### MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House:

No. 223. An act making specific appropriations for the year 1853;

With sundry engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

The 1st, 2d, 3d, 4th, 7th, 8th, 11th and 12th amendments were concurred in.

The question being put on concurring in the 5th amendment of the Senate in relation to the fees of certain attorneys.

The ayes and noes were demanded by Messrs. Parker and Johnson.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Buell, Chapin, Clark, Cooper, Dufour, Emery, Farnsley, Handy, Hicks, McDonald of Lake, Price, Steele, Struble, Underwood, Walker of Laporte, Wilson and Mr. Speaker—19.

*Those who voted in the negative were,*

Messrs. Brecount, Brown, Burnett, Dodd, Druley, Dunlavey, Durham, Dyer, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Harris, Hendricks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Taber, Tanner, Walker of Rush and Work—53.

So the House refused to concur.

The question then being on concurring in the 6th and 10th amendments,

The House refused to concur.

The question then being, on concurring in the 9th amendment.

On motion by Mr. Buell,

It was concurred in with the following amendment:

That the Indianapolis Gas Light Company be allowed the sum of one hundred and twenty-two dollars and thirty-seven cents for gas furnished the State House.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 170. A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased, without amendment.

On motion by Mr. Hicks,

The House adjourned.

1½ o'clock, P. M.

House met.

By unanimous consent,

Mr. Lowe obtained leave and offered the following resolution:

*Resolved*, That the Principal Clerk of this House be only required to furnish the members of this House with the titles of the bills and joint resolutions, without the synopsis, and the same to be furnished by ten o'clock to-morrow morning.

Which was adopted.

Mr. Chapin, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his signature House bills Nos. 106, 204, 213, 164, 224, 221, 218, 211, 205, 170, 159, 169, 183, 225, 207 and 222, and joint resolution No. 29.

Mr. Hicks, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House, Nos. 225, 183, 169, 159, 170, 205, 211, 218, 221, 224, 164, 213, 214, 106, 207, 222 and joint resolution No. 29, with the engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Chapin from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his signature, House bills Nos. 55, 126, 142, 160, 166, 171, 175, 171, 179, 189, 181, 182, 202 and 208.

A message from his excellency, the Governor, by Mr. Tarkington, executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that the following bills have been by him signed and approved.

No. 140. An act to correct and define more correctly the boundary line between the counties of Warrick and Spencer.

No. 131. An act to legalize the irregularities heretofore occurring in the filing of articles of association of plankroad companies.

No. 107. An act to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved June 9th, 1852.

No. 126. An act authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association in lieu of their original articles of association, and legalizing the action of such corporations in that respect where such certified copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.

No 55. An act to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved January 15, 1852.

No. 180. An act amendatory of, and supplemental to an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

No. 179. An act in regard to criminal prosecutions against the Trustees of the Wabash and Erie Canal.

No. 182. An act to require draw-bridge companies to keep lights at night.

No. 178. An act to amend an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

No. 181. An act to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same, in pamphlet form.

No. 142. An act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.

No. 208. An act to prevent railroad companies from changing their depots except on conditions therein named.

No. 202. An act to amend section one of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes, approved May 20th, 1852.

No. 171. An act supplemental to an act entitled an act concerning real property and the alienation thereof, approved May 6, 1852, and to provide for the conveyance of an interest of an insane wife in the hands of her husband.

No. 175. An act to provide for the postponement of the Marion circuit court during a part of the session of the supreme court.

No. 160. An act to amend section four and section six of an act entitled an act prescribing the powers and duties of coroner, approved May 27, 1852.

No. 166. An act to regulate the taking of appeals from the court of common pleas.

No. 144. An act for the relief of the inhabitants of township twelve north, range nine west, in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township.

No. 114. An act for the relief of Henry Pittenger, and prescribing the duties of the auditor of said county in relation thereto.

No. 150. An act to amend an act entitled an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals, approved February 16, 1852.

No. 157. An act in relation to the reservoirs in the counties of Gibson and Clay.

No. 154. An act to amend the 14th section of an act entitled an act providing for the incorporation of bridge companies, approved March 9, 1852.

No. 99. An act supplemental to an act entitled an act for the relief of certain persons therein named, approved February 16, 1848, which act reads in the words and figures following:

An act for the relief of certain persons therein named, approved February 16, 1848.

No. 109. An act to amend an act entitled an act to incorporate the Cannelton steam mills and manufacturing company, approved February 16, 1848, changed to the name of the Troy manufacturing company, by an act approved January 15th, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton.

All of which originated in the House of Representatives.

By unanimous consent,

Mr. Dyer obtained leave and introduced No. 225, a bill to repeal an act entitled "an act to locate a State road in the counties of Clay and Owen," approved February 8, 1848;

Which was read a first time and passed to a second reading.

Mr. Dyer moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Buell, Burnet, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Harris, Hicks, Hunt, Johnson, Jones of Ripley, Laird, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Price, Read, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Steele, Stockwell, Struble, Taber, Tanner, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Druley, Handy, Howell, Jones of Boone, Lasselle, Stackhouse and Stephens—7.

So the rule was suspended and the bill read a second time.

Mr. Dyer moved to suspend the rule and read the bill a third time now.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Buell, Burnett, Chapin, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Harris, Hicks, Hooper, Hunt, Johnson, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lines, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Price, Read, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Steele, Stockwell, Taber, Tanner, Underwood, Walker of Laporte, Wilson and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Catlin, Howell, Jones of Boone, Lowe, Stackhouse, Stephens, Struble and Work—9.

So the rule was suspended and the bill read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Buell, Burnett, Chapin, Clark, Coöper, Dodd, Donelson, Druley, Dufour, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Harris, Hicks, Hooper, Hunt, Johnson, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Simpson, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Catlin, Dunlavey, Howell, Jones of Boone and Shuman—5.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their 5th, 6th and 10th amendments to House bill No. 223, and have concurred in the amendment of the House to the 9th engrossed amendment of the Senate, and have appointed Senators Gibson and Shields a committee of free conference on the part of the Senate.

On motion by Mr. Scott,

The House insists on its disagreement to the 5th, 6th, and 10th amendments of the Senate, and appointed Messrs. Scott and Buell a committee of Free Conference on the part of the House, to act with a similar committee already appointed on the part of the Senate.

By unanimous consent,

Mr. Hicks obtained leave and offered the following resolution:

*Resolved*, That the select committee on banks, to whom was referred House bill No. 110, and Senate amendments thereto, be instructed to report said bill and amendments back to this House instantler.

Which was adopted.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representa-

tives, that the Senate have passed the following engrossed bill of the House:

No. 218. An act making general appropriations for the years 1853 and 1854.

Without amendment.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate have concurred in the engrossed amendments of the House to engrossed amendments of the Senate to House bill 205, an act to amend the 18, 24, 25 and 26 sections of an act entitled an act regulating the descent and apportionment of estates.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate have concurred in the engrossed amendment of the House to Senate bil No. 36, a bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House:

No. 211. An act to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings should a change of location be made and matters properly belonging thereto.

No. 221. An act changing the time of holding courts in the 5th judicial circuit.

No. 169. An act supplemental to an act entitled an act to regulate the sale of Swamp lands, &c.

Without amendment.

A message from the Senate by Mr. Sites their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate have concurred in the engrossed amendments of the House to Sen-



ate bill No. 102, a bill fixing the time of holding courts of common pleas, and the length of terms thereof in the several counties of this State.

On motion by Mr. Steele,

The vote on the passage of Senate bill No. 98, a bill to fix the time of holding the circuit court in the 8th judicial circuit, was reconsidered, and,

On motion by Mr. Steele,

Referred to a select committee consisting of Messrs. Steele, Shelby, Ryan, Stephens and Turpie.

A message from the Senate by Mr. Sites their secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following joint resolution of the House:

No. 29. A joint resolution in regard to the industrial exhibition to be held in New York in May next, and in New Orleans in February 1854.

Without amendment.

A message from the Senate, by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House:

No. 207. An act to amend the charter of the Evansville and Illinois railroad company.

No. 225. An act to repeal an act entitled an act to locate a State road in the counties of Clay and Owen, approved February 8, 1848.

No. 164. A bill to repeal an act entitled an act to amend the charter of the Evansville and Illinois railroad company, approved February 8, 1852.

No. 213. A bill to authorize and request the governor to exchange the revised statutes, laws, documentary journals and reports of the supreme court of this, with those of the other States of the Union.

No. 224. A bill to explain an act entitled an act, authorizing railroad companies in this or in adjoining States, and to connect their roads with roads of said companies, and to authorize railroad

companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed, approved February 23, 1853.

No. 106. A bill giving validity to the alterations made and omissions in the Revised Statutes, and the code of civil and criminal practice of 1852, by the persons superintending the publication of the same.

No. 183. A bill in relation to the construction of bridges over certain navigable streams and prescribing the penalty for a violation of the provisions herein set forth.

No. 159. A bill giving common pleas courts concurrent jurisdiction with circuit courts, in cases of complaints for bastardy and surety of the peace;

Without amendment.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bills of the House:

No. 222. An act to amend the charter of the Lawrenceburgh and Upper Mississippi Railroad Company.

No. 214. A bill for the distribution of the census reports of 1840 and 1850 to the counties;

Without amendment.

A message from the Senate by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have reciprocated the action of the House of Representatives, and have recommitted the disagreement of the two Houses on House bill No. 223, to the committee of free conference.

On motion by Mr. Buell,

House bill No. 177, a bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, and to provide for the assessment and taxation of bankers, brokers, stock-jobbers, banks and banking companies;

Was taken up and read a third time.

Mr. Hamrck moved to indefinitely postpone the bill,

The question being put;

The ayes and noes were demanded by Messrs. Buell and Manville.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Clark, Druley, Durham, Ferris, Hamrick, Hendricks, Hooper, Howell, Johnson, Jones of Boone, Laird, Lemmon, Lines, Martin, McClure [McDonald] of Lake, McDonnall of Sullivan, McKinney, Parker, Price, Read, Shuman, Stackhouse, Steele, Stephens, Stockwell, Taber, Tanner, Underwood, Walk-Rush, Walker of Laporte, and Wilson.—37.

*Those who voted in the negative were,*

Messrs. Buell, Catlin, Chapin, Cooper, Dodd, Donelson, Dufour, Dunlavey, Emery, Farnsley, Fleming, Gentry, Goodman, Handy, Harris, Hicks, Jennings, Jones of Jennings, Jones of Ripley, Lassel, Lewis, Lowe, Manville, McKee, Moss, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Simpson, Struble, and Mr. Speaker —33.

So the bill was indefinitely postponed.

On motion by Mr. Turpie,

Leave of absence was granted to Mr. Thomas for the remainder of the session, on account of sickness.

By unanimous consent,

Mr. Chapin obtained leave and offered the following resolution:

*Resolved*, That the clerk of this House be instructed to call on the Senate to send back to the House Senate bill No. 42, a bill to authorize J. W. Cummins to proceed to Washington city to arrange the three per cent. fund.

Which was adopted.

Mr. Buell, chairman of the committee on Free Conference, made the followidg report:

**MR. SPEAKER:**

The committee of Free Conference to whom was referred the disagreement of the House to the 5th, 6th and 10th engrossed amendment of the Senate to House bill No. 223, have had that subject under consideration, and have directed me to report, that they have agreed to recommend that the House concur in the 5th and 10th amendments of the Senate, and that the Senate recede from the 6th amendment thereto.

The question being on concurring in the report of the committee, The ayes and noes were demanded by Messrs. Moss and Parker.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brown, Buell, Burnett, Bridges, Chapin, Cooper, Dodd, Dufour, Farnsley, Gentry, Goodman, Handy, Hicks, McDonald of Lake, Price, Read, Scott, Steele, Underwood, Walker of LaPorte and Mr. Speaker.—22.

*Those who voted in the negative were,*

Messrs. Brecount, Catlin, Clark, Donald, Donelson, Druley, Durham, Dyer, Emery, Ferris, Fleming, Greene, Hamrick, Harris, Hendricks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Martin, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Richardson, Rockafellar, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Stockwell, Taber, Turpie Walker of Rush, Wilson, Work and Yount—52.

So the House refused to concur in the report of the committee. When,

On motion by Mr. McDonald of Lake,

The bill was recommitted to the same committee of Free Conference.

By unanimous consent,

Mr. Stockwell from the select committee on banks, obtained leave and made the following report:

**MR. SPEAKER:**

The select committee on banks, to which was referred bill of the House No. 110, with the amendments of the Senate, have had the same under consideration, and have directed me to make the following report: amend the amendments of the Senate as follows, and when so amended, to recommend that the House concur therein.

1st. Strike out of the 1st section the words "and the act to which this is an amendment."

2d. Strike out the words "receive or," after the words "authorized to," and before the word "pay."

3d. Add to the 5th, 16th and 38th sections the following proviso:

*Provided*, That where three-fourths of the stockholders of such bank or association have been residents of this State for three years last preceding the filing of said application, and are, in the opinion of the Auditor of State, worth collectively not less than double the entire amount of the capital stock of such bank or association, it shall be the duty of said auditor to countersign and deliver to such bank or association one hundred dollars of bills or notes to circulate as money, for each one hundred and five dollars of stock, deposited

as aforesaid: *And provided also*, that the provisions of this section shall extend to all banks or associations which shall have organized and engaged in the business of banking under the law hereby repealed.

These two amendments the Speaker decided out of order, because they did not amend the Senate amendments.

4th. Concur in the 2nd amendment of the Senate amendment to the 8th section.

5th. Add at the end of the 13th section: *Provided*, that the Fourth of July, Thanksgiving, Christmas and New Years, shall not be considered judicial days.

6th. Concur in the Senate amendment to the 14th section.

7th. Concur in amendment to section 24, 5th Senate amendment.

8th. Concur in the 6th amendment to strike out 36th section.

9th. Refuse to concur in the 7th amendment.

10th. Adding the assignment of Indiana bonds, insert section 41, concur in the 8th amendment, with an amendment to strike out \$1,00, and insert 75 cents.

Amend 4th section by adding the following proviso:

*Provided*, It shall not be lawful for said corporation directly or indirectly to charge or receive a greater rate of interest on notes, bills or other evidences of debt, and no greater rate of exchange than the State Bank, Indiana is now allowed by law to receive, or as may hereafter be the current rates of exchange.

The amendments were considered separately.

The question being on concurring in the report of the committee to the first amendment of the Senate,

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Buell, Burnett, Chapin, Cooper, Dyer, Ferris, Goodman, Greene, Hamrick, Hendricks, Johnson, Laird, Lasselle, Lines, Martin, McDonald of Lake, Orr, Ryan, Scott, Seawright, Shelby, Shoemaker, Steele, Stockwell, Taber, Walker of Laporte, and Walker of Rush—30.

*Those who voted in the negative were,*

Messrs. Brecount, Brown, Catlin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hicks, Howell, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Wilson, Work, Yount and Mr. Speaker—47.

So the report of the committee on the first amendment of the Senate was not concurred in.

The question then being on concurring in the report of the committee on the second amendment of the Senate,

And being put,

The ayes and noes were demanded by Messrs. Stockwell and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Ballard, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—61.

Mr. Hendricks voting in the negative—I.

No quorum voting.

On motion by Mr. Howell,

A call of the House was ordered;

When the following members answered to their names, viz:

Messrs. Ballard, Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Greene, Handy, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—72.

The further call was suspended by order of the Speaker.

The question then recurring on concurring in the report of the committee on the second amendment of the Senate,

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farns-

ley, Ferris, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Wilson, Work, Yount and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Bridges, Hendricks, Scott, Shelby and Walker of Laporte—5.

No quorum voting.

Mr. Brown moved that the House adjourn.

Which motion did not prevail.

On motion by Mr. Work,

A call of the House was ordered;

When the following members answered to their names, viz:

Messrs. Ballard, Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—74.

There being a quorum present,

The further call was suspended by order of the Speaker.

The question then recurring on concurring in the report of the committee on the second amendment of the Senate,

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Brown, Catlin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Wilson, Work, Yount and Mr. Speaker—56.

*Those who voted in the negative were,*

— Messrs. Bridges and Hendricks—2.

No quorum voting.

The Speaker ordered a call of the House,

When the following members answered to their names.

Messrs. Brecount, Bridges, Brown, Buell, Burnett, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Wilson, Work, Yount, and Mr. Speaker—72.

There being a quorum present, the further call was suspended.

Mr. Dufour moved to lay the bill and amendments on the table,  
Which motion did not prevail.

The question then recurring on concurring in the report of the committee on 2d amendment of the Senate,

And being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Hendricks, Laird, Ryan and Scott—4.

No quorum voting.

Mr. Shuman moved that the House adjourn,

Which motion did not prevail.

The Speaker ordered a call of the House,

When the following members answered to their names.



Messrs. Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—74.

There being a quorum present,  
The further call was suspended.

The question then recurring on concurring in the report of the committee on the second amendment of the Senate,

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Hendricks, Laird and Scott—3.

No quorum voting,

The Speaker ordered a call of the House.

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens,

Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—73.

There being a quorum present,  
The further call was suspended.

On motion by Mr. Hicks,

The following absentees were sent for, viz: Messrs. Freeland and Walker of Rush.

Mr. Ballard was excused on account of indisposition.

The further call was then suspended.

The question then recurring on concurring in the report of the committee on the second amendment of the Senate;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donald, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Hendricks, Laird, and Scott—3.

No quorum voting.

Mr. Struble moved that the House adjourn.

Which motion did not prevail.

The Speaker ordered a call of the House;

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Buell, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lines, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—74.

There being a quorum present,  
The further call was suspended.

The question then recurring on concurring in the report of the committee on the second amendment of the Senate,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Wilson, Work, Yount and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Hendricks and Laird—2.

No quorum voting,

A call of the House was ordered, when the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Buell, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stockwell, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—71.

There being a quorum present, the further call was suspended.

On motion by Mr. Hicks,

The following absentees were sent for, viz:

Messrs. Burnett, Shuman, Stephens, Struble, Taber and Walker of Rush.

Mr. Ryan was excused for the evening on account of indisposition.

Mr. Moss moved that the House adjourn until 7 o'clock this evening.

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Cooper, Dufour, Dunlavey, Dyer, Farnsley, Ferris, Freeland, Goodman, Hamrick, Hendricks, Hooper, Johnson, Laird, Lines, Lowe, Martin, McClure, McDonald of Lake, Moss, Orr, Price, Read, Richardson, Rockafellar, Scott, Steele, Stockwell, Underwood, Walker of Laporte, Work, Yount and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Buell, Clark, Dodd, Donelson, Druley, Durham, Emery, Fleming, Gentry, Harris, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, McDonnall of Sullivan, McKee, McKinney, Parker, Seawright, Shelby, Shoemaker, Simpson, Stackhouse, Taber, Turpie and Wilson—31.

So the House adjourned.

7 o'clock, P. M.

The House met.

The Speaker ordered a call of the House;

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Wilson, Work, Yount and Mr. Speaker—75.

On motion by Mr. Greene,

Leave of absence was granted to Mr. Walker of Rush for the evening on account of indisposition.

On motion by Mr. Hicks,

The following absentees were sent for, viz: Messrs. Jones of Jennings, Taber, Underwood and Walker of Laporte.

On motion by Mr. Laird,

The further call was suspended.

Mr. McDonald of Lake moved to lay the bill and amendments on the table.

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Buell, Burnett, Chapin, Dufour, Dyer, Ferris, Freeland, Goodman, Greene, Hamrick, Hendricks, Hooper, Johnson, Laird, Lines, Manville, Martin, McDonald of Lake, Scott, Shelby, Shoemaker, Steele, Stockwell, Taber Tanner and Wilson—26.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read Richardson, Rockafellar, Seawright, Shuman, Simpson, Stackhouse, Stephens, Struble, Turpie, Underwood, Walker of Laporte, Work, Yount and Mr. Speaker—51.

So the bill was not laid on the table.

The question then recurring on concurring in the report of the committee on second amendment of the Senate.

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Taber, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Hamrick, Hendricks, Laird and Scott—4.

No quorum voting.

On motion by Mr. Hicks,

A call of the House was ordered,

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—74.

There being a quorum present, the further call was suspended.

Mr. Stockwell moved to lay the bill and amendment on the table.

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Buell, Burnett, Chapin, Dufour, Dyer, Ferris, Freeland, Goodman, Greene, Hamrick, Hendricks, Hooper, Johnson, Laird, Lines, Manville, Martin, McDonald of Lake, Scott, Shelby, Shoemaker, Steele, Stockwell, Taber, Tanner and Yount—26.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shuman, Simpson, Stackhouse, Stephens, Struble, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—50.

So the bill was not laid on the table.

Mr. Turpie moved to reconsider the vote refusing to lay the bill and amendments on the table,

Which was agreed to.

The question then recurring on laying the bill and amendments on the table,

And being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Buell, Burnett, Chapin, Dufour, Dyer, Ferris, Goodman, Greene, Hamrick, Hendricks, Hooper, Johnson, Laird, Lines, Manville, Martin, McDonald of Lake, Scott, Shelby, Steele, Stockwell, Taber and Tanner—23.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount, and Mr. Speaker—53.

So the bill was not laid on the table.

The question then recurring on concurring in the report of the committee on 2d amendment of the Senate,

And being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Freeland, Hamrick, Hendricks, Laird and Scott—5.

No quorum voting.

On motion by Mr. Hicks,

A call of the House was ordered,

When the following members answered to their names.

Messrs. Brecount, Bridges, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker, Wilson, Work, Yount, and Mr. Speaker—75.

On motion by Mr. Hicks,

Mr. Cooper was sent for.

The further call was suspended.

The question then recurring on concurring in the report of the committee on 2d amendment of the Senate,

And being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Hamrick, Hendricks, Laird and Scott—4.

So the 2d engrossed amendment of the Senate was concurred in.

The 3d amendment of the committee was decided out of order by the Speaker.

The question then recurring on concurring in the 4th amendment reported by the committee to Senate amendment to section 14,



And the question being put,  
The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Handy, Harris, Hartley, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Bridges, Hamrick, Hendricks and Scott—4.

No quorum voting,

The Speaker ordered a call of the House.

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—76.

There being a quorum present,

The further call was suspended.

And the question being on concurring in the 4th amendment of the committee to the Senate amendment to section 14,

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Brown, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of

Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Hamrick, Hendricks and Scott—3.

No quorum voting,

The Speaker ordered a call of the House;

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Brown, Buell, Burnett, Catlin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavy, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—74.

Mr. Gentry moved to reconsider the vote on excusing Messrs. Walker of Rush, Thomas and Ballard, from their attendance on the sessions of this House.

Which was agreed to.

Leave of absence was granted to Mr. Walker of Rush for the evening.

On motion by Mr. Laird,

The further call was suspended.

The question then recurring on concurring in the 4th amendment of the committee to Senate amendment to section 14,

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Brothwell, Brown, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavy, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Ripley, Jones of Jennings, Laird, Lasselle, Lemmon, Lines, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney,

Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Hamrick, Hendricks, and Scott—3.

No quorum voting.

On motion by Mr. Moss,

A call of the House was ordered.

When the following members answered to their names, viz:

Messrs. Brecount, Bridges, Burnett, Brown, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hartley, Hendricks, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—72.

On motion of Mr. Howell,

Leave of absence was granted to Mr. Lines for the evening on account of indisposition.

Mr. Hamrick moved to suspend the further call.

Which motion did not prevail.

Mr. Lowe moved to suspend the call.

Which motion did not prevail.

Mr. Hamrick moved to suspend the further call.

And the question being put,

The ayes and noes were demanded by Messrs. Hamrick and Johnson.

*Those who voted in the affirmative were,*

Messrs. Brecount, Brown, Buell, Burnett, Catlin, Chapin, Dyer, Ferris, Freeland, Goodman, Greene, Hamrick, Hendricks, Johnson, Laird, Lowe, Martin, McDonald of Lake, Orr, Scott, Stackhouse, Steele, Stockwell, Struble, Taber, Tanner, Underwood, and Mr. Speaker—28.

*Those who voted in the negative were,*

Messrs. Clark, Dodd, Druley, Dufour, Dunlavey, Durham, Emery,

Farnsley, Fleming, Gentry, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stephens, Turpie, Walker of Laporte, Wilson, and Yount—42.

So the further call was not suspended.

Mr. Johnson moved to suspend the further call.

And the question being put,

The ayes and noes were demanded by Messrs. Durham and Johnson.

*Those who voted in the affirmative were,*

Messrs. Brown, Buell, Burnett, Catlin, Chapin, Dufour, Dyer, Emery, Farnsley, Ferris, Freeland, Greene, Hamrick, Hendricks, Johnson, Jones of Boone, Jones of Ripley, Laird, Lemmon, Lowe, Manville, Martin, McDonald of Lake, McDonnall of Sullivan, Moss, Orr, Richardson, Scott, Seawright, Shelby, Shoemaker, Simpson, Stackhouse, Steele, Stockwell, Struble, Taber, Underwood, Walker of Laporte, Work, Yount, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Brecount, Dodd, Druley, Durham, Fleming, Gentry, Handy, Harris, Hartley, Hicks, Howell, Hunt, Jones of Jennings, Lasselle, Lewis, McClure, McKee, McKinney, Parker, Price, Rockafellar, Shuman, Stephens, Turpie and Wilson—25.

So the further call was suspended.

Mr. Parker moved that the House adjourn,

Which motion did not prevail.

Mr. Hamrick moved to lay the bill and amendments on the table.

And the question being put;

The ayes and noes were demanded by Messrs. Parker and Johnson.

*Those who voted in the affirmative were,*

Messrs. Burnett, Catlin, Chapin, Dufour, Dyer, Ferris, Freeland, Goodman, Greene, Hamrick, Johnson, Jones of Boone, Laird, Lowe, Manville, Martin, McDonald of Lake, Moss, Orr, Richardson, Scott, Seawright, Shelby, Shoemaker, Shuman, Steele, Stockwell, Taber, Underwood, Walker of Laporte, Yount, and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Brecount, Brown, Buell, Clark, Dodd, Donelson, Druley, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy,

Harris, Hartley, Hicks, Howell, Hunt, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Price, Read, Rockafellar, Simpson, Stackhouse, Stephens, Struble, Turpie, Wilson and Work—39.

So the bill was not laid on the table.

On motion by Mr. Scott,

The House adjourned at 5 minutes past 12 o'clock.

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SATURDAY MORNING, 8½ o'clock, }  
March 5th, 1853. }

The House met pursuant to adjournment.

On motion by Mr. Howell,

The reading of the Journal of yesterday was dispensed with.

On motion by Mr. Gentry,

Leave of absence was granted to Mr. Orr from and after to-day at 10 o'clock.

On motion by Mr. Walker of Laporte,

Leave of absence was granted to Mr. Lines until 1 o'clock.

On motion by Mr. Laird,

Leave of absence was granted to Mr. Ferris from and after 1 o'clock.

Mr. Work moved to reconsider the vote granting leave of absence to Mr. Lines.

The question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Catlin, Cooper, Druley, Dufour, Dunlavey, Durham, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Handy, Harris, Hicks, Howell, Hunt, Jones of Ripley, Lemmon, Lewis, Martin, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Richardson, Seawright, Shelby, Shoemaker, Stephens, Tanner, Turpie, Underwood, Wilson, and Work—38.

*Those who voted in the negative were,*

Messrs. Brecount, Bridges, Buell, Burnett, Catlin, Clark, Dodd, Dyer, Emery, Greene, Hammond, Hendricks, Hooper, Johnson, Jones of Boone, Laird, Lasselle, Lowe, Manville, McDonald of Lake, Price, Read, Rockafellar, Scott, Shuman, Simpson, Steele, Stockwell, Struble, Taber and Walker of Laporte—31.

So the bill was reconsidered.

Mr. Walker then withdrew his motion, asking leave of absence for Mr. Lines.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Lasselle :

A petition from sundry citizens on the subject of temperance.  
Which was laid on the table.

Mr. Hamrick moved to instruct the principal clerk to order 300 additional copies of the titles of the acts of this Legislature to be printed.

Mr. Freeland moved to amend by striking out "300" and insert "1,000."

Which was not agreed to.

The question then recurring on Mr. Hamrick's motion,  
It was adopted.

By Mr. Moss:

A petition from sundry citizens on the subject of temperance.  
Which was laid on the table.

By Mr. Brecount:

Eight petitions from sundry citizens on the subject of temperance.  
Which were laid on the table.

#### REPORTS.

Mr. Scott from a committee of Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference to whom was referred the disagreement of the House to the 5th, 6th and 10th engrossed amendments of the Senate to House bill No. 223, have had the same under advisement, and have directed me to report that they have agreed to recommend that the House concur in the 5th amendment of the Senate, and that the Senate recede from the 6th and 10th amendments thereto.

Which was concurred in.

Mr. Manville moved to suspend the order of business, and take from the table House bill

No. 219. A bill to provide for the appointment of commissioners to examine the offices of Agent, Auditor and Treasurer of State, to adjust the stock accounts of the State, and to investigate any frauds in the issue of treasury notes, and for the compensation of such commissioners.

Which was not agreed to.

Mr. Buell, chairman of the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred the report of Benjamin Wolfe, agent to select university lands under the act of Congress of June, 1852, have directed me to report the same back, and recommend that it be laid upon the table.

Which was concurred in.

Mr. Lasselle from the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means to whom was referred sundry petitions, resolutions and bills, proposing amendments to the revenue laws, have directed me to report the same back, and ask that they be laid upon the table.

Which was concurred in.

Mr. Seawright from the committee on Ways and Means made the following report.

**MR. SPEAKER:**

The committee on Ways and Means have directed me to report back the items constituting the specific appropriation bill, and ask that they be laid upon the table.

Which was concurred in.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

**MR. SPEAKER:**

The committee on the rights and privileges of the inhabitants of this State, to whom was referred the memorial of Walter Edgerton, clerk of the yearly meeting of anti slavery friends, of Wayne county, Indiana, praying the legislature to amend at its earliest conveni-



ence the Constitution of the State, so as to abrogate the 13th article, and all laws enacted in accordance to its provisions, have had the same under consideration, and report that in the opinion of this committee, it is not the intention of the said 13th article to drive the colored people from off the face of the whole earth, but to benevolently and charitably assist in the colonization and restoration to happiness of that unfortunate race, on the soil designed by nature for them. In regard to the abrogation of that article of the constitution, your committee feel some hesitancy in recommending that the prayer of the petition be granted, when they take into consideration that it was submitted to the people of the State as a separate proposition from the Constitution, and was accepted and ratified by the unprecedented majority of ninety odd thousand votes.

Your committee therefore, return the memorial and recommend that it be laid on the table, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Dufour, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the Rights and Privileges of the Inhabitants of this State, to whom was referred the petition of Henry Hiatt, a citizen of Wayne county, respectfully praying the General Assembly to abolish all laws which enforce respect for the observance of the Sabbath day, have had the *strange document* under consideration, and beg to present the following report: That all religious rites and ceremonies in this country are untrameled by any legislative or constitutional enactment, and every individual is left here to pay his adorations to the most high, or to bow down to graven images, as his own conscience may dictate, without any one daring to molest or make him afraid. But, the creation and sustaining a nuisance by any one, to the annoyance or disturbance of any neighborhood, our laws justly regard as an offence, subject to punishment or abatement, as the case may be. That man whose conscience dictates him to desire to violate a policy ordained by God himself, by laboring on the Sabbath day, might, in this nineteenth century, not only with truth be regarded as a nuisance, deserving the severest abatement, but be regarded by the proper authorities as a fit subject for a lunatic asylum.

The variations and inconsistencies which Mr. Hiatt complains of as existing between the Constitution of the State, and its laws, and which he desires may be erased, your committee on this subject have only to say, that the session is now drawing to a close, and as this is a matter which would probably require more attention than the General Assembly can devote to it at this time, the committee would



therefore, respectfully recommend that the petitioner lay his grievances before the Kingdom of Heaven, whose sovereign was the creator, not only of all things, but of the Sabbath day, and they would ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Turpie, from a select committee and made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 98, a bill fixing the time of holding the circuit courts in the eighth judicial circuit, would beg leave to submit the following report:

On examination the committee find that under the provisions of the bill the times of holding the circuit and common pleas courts in the counties of Parke and Vermillion would conflict with each other, and they would herewith beg leave to return the bill with the following amendment, and recommend its passage: Strike out all of section first after the words 'in the county of Montgomery on the Mondays succeeding the courts in the county of Boone,' and insert the following:

In the county of Parke on the first Mondays of May and November: in the county of Vermillion, on the Mondays succeeding the courts in the county of Parke; in the county of Fountain, on the Mondays succeeding the courts in the county of Vermillion; in the county of Warren, on the Mondays succeeding the courts in the county of Fountain; in the county of Benton, on the Mondays succeeding the courts in the county of Warren.

The report was concurred in.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brecount, Bridges, Buell, Burnett, Catlin, Chapin, Clark, Dodd, Donelson, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Gentry, Greene, Hamrick, Handy, Harris, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Martin, Manville, McClure, McDonald of Lake, McDonnell of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—70.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Torbet moved to take up messages of the Senate.

Which was not agreed to.

Mr. Torbet moved to take up messages of the Senate.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Bridges, Buell, Burnett, Catlin, Chapin, Clark, Dodd, Druley, Dufour, Dyer, Emery, Ferris, Freeland, Gentry, Goodman, Greene, Hamrick, Hendricks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, Moss, Orr, Richardson, Rockafellar, Scott, Seawright, Shelby, Shuman, Simpson, Steele, Stockwell, Struble, Taber, Tanner, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Donelson, Druley, Durham, Farnsley, Fleming, Handy, Harris, Hicks, McDonnall of Sullivan, McKinney, Parker, Price, Read, Stackhouse, Stephens, and Turpie—17.

So the message from the Senate was taken up.

A message from the Senate by Mr. Sites their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House:

No. 220. An act to raise a revenue for State purposes for the years 1853 and 1854.

With one engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

The question being on concurring in the engrossed amendment of the Senate contained in the foregoing message.

The ayes and noes were demanded by Messrs. Dufour and Parker.

*Those who voted in the affirmative were,*

Messrs. Ballard, Brecount, Buell, Chapin, Clark, Cooper, Dodd, Druley, Dyer, Greene, Hamrick, Hendricks, Hunt, Johnson, Jones of Boone, Laird, Manville, Martin, McDonald of Lake, Moss, Orr, Scott, Shelby, Shuman, Steele, Stockwell, Struble, Taber, Tanner, Underwood, and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Bridges, Burnett, Catlin, Donelson, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Handy, Harris, Hicks, Hooper, Howell, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Stephens, Turpie, Walker of Laporte, Wilson, Work and Yount—44.

So the House refused to concur.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Sites, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate have concurred in the report of the committee of Free Conference to whom was referred the disagreements of the two Houses on House bill No. 223, as follows: The Senate recedes from their 6th and 10th engrossed amendments and the House concurs in the 5th engrossed amendment thereto.

A message from the Senate by Mr. Sites, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has adopted the following resolution:

*Resolved*, That the House be respectfully requested to return to the Senate, bill of the Senate No. 120, with the amendment of the Senate to the amendment of the House.

In which the concurrence of the House is respectfully requested.

Which was concurred in.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives

that the Senate recedes from their engrossed amendment to House bill No. 220, an act to raise revenue for State purposes for the years 1853 and 1854.

A message from the Senate by Mr. Sites their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have concurred in the engrossed amendment of the House to Senate bill No. 92, a bill fixing the time of holding the circuit courts in the eighth judicial circuit.

A message from the Senate by Mr. Sites their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in engrossed amendment of the House to Senate bill No. 120, a bill granting the right of way to the Ohio and Indianapolis Railroad Company to construct, &c.

Mr. Hicks from the committee on Enrolled Bills made the following report :

**MR. SPEAKER :**

The committee on Enrolled Bills have compared the accompanying enrolled bills of the House, Nos. 220 and 223, with the engrossed bills of the corresponding numbers, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Chapin, from the joint committee on Enrolled Bills, made the following report :

**MR. SPEAKER :**

The joint committee on Enrolled Bills have this day presented to the Governor for his signature, House bills Nos. 220 and 223.

#### ORDERS OF THE DAY.

Pending at last adjournment, the consideration of House bill No. 110, on the subject of general banking.

The Speaker decided that the House did not concur in the report

of the committee on the second amendment of the Senate, as reported on last night, there being no quorum voting.

The Speaker further decided that the 4th amendment of the committee to the Senate amendment to section 14, was out of order at present.

The question then recurring on concurring in the report of the committee on 2d amendment of the Senate,

And being put;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Catlin, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Handy, Harris, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Shuman, Stackhouse, Stephens, Struble, Tanner, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Ballard, Buell, Hamrick, Hendricks, Scott and Shelby—6.

No quorum voting.

The Speaker ordered a call of the House, when the following members answered to their names, viz:

Messrs. Ballard, Brecount, Bridges, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, Martin, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—71.

There being a quorum present a further call was suspended.

Mr. Manville moved to lay the bill and amendments on the table, in order to take up a message from the Senate containing a bill repealing the law on the subject of general banking;

Which motion did not prevail.

The question then recurring on concurring in the report of the committee on 2d amendment of the Senate,

And being put ;

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Brecount, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Handy, Harris, Hicks, Hooper, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Shoemaker, Shuman, Stackhouse, Stephens, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Ballard, Bridges, Buell, Hamrick, Hendricks, Scott and Shelby—7.

The Speaker ordered the clerk to record the names of those present who reported themselves as present, on the call of the House, and whose names were not answered to on this vote as present and refused to vote ;

Which names are as follows, viz :

Messrs. Burnett, Dyer, Goodman, Greene, Johnson, Martin, McDonald of Lake, Steele, Stockwell and Taber.

The Speaker decided the amendment adopted, there being 65 members voting and 10 refusing to vote.

Mr. McDonald of Lake appealed from the decision of the chair, Whereupon the Speaker ordered a call of the House ;

When the following members answered to their names, viz :

Messrs. Ballard, Brecount, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Goodman, Greene, Hamrick, Handy, Harris, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lewis, Lemmon, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shelby, Shoemaker, Shuman, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—71.

Mr. Laird moved to send for the absentees.

Which was ordered.

The further call was suspended.

The question then being, shall the decision of the chair stand as the judgment of the House?

And being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Clark, Dodd, Druley, Dufour, Dunlavey, Emery, Gentry, Handy, Harris, Hicks, Howell, Hunt, Jones of Jennings, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McKee, McKinney, Parker, Price, Read, Richardson, Rockafellar, Shuman, Stephens, Struble, Tanner, Turpie, Wilson and Work—33.

*Those who voted in the negative were,*

Messrs. Ballard, Brecount, Buell, Catlin, Chapin, Cooper, Durham, Dyer, Farnsley, Ferris, Fleming, Hamrick, Hendricks, Hooper, Jones of Boone, Jones of Ripley, Laird, McDonnall of Sullivan, Moss, Orr, Scott, Seawright, Shelby, Shoemaker, Stackhouse, Underwood, and Yount—27.

There being no quorum voting.

The following members came within the bar, and obtained permission to record their votes in the negative, viz:

Messrs. Burnett, Goodman, Johnson, McDonald of Lake, Steele, Stockwell and Taber—7.

So the decision of the chair does not stand as the judgment of the House.

On motion by Mr. Read,

The bill and pending amendments were laid on the table.

A message from the Senate by Mr. Sites their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 94. A bill repealing an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.

In which the concurrence of the House is respectfully requested.

Bill No. 94, contained in the foregoing message, was read a first time.

When,

Mr. McDonald of Lake moved to reject the bill.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald of Lake and Hicks.

*Those who voted in the affirmative were,*

Messrs. Ballard, Buell, Burnett, Cooper, Hamrick, Hendricks, Scott, Seawright, Shelby, Underwood, Walker of Laporte, and Yount—12.

*Those who voted in the negative were,*

Messrs. Brecount, Catlin, Chapin, Clark, Dodd, Druley, Dufour, Dunlavey, Dyer, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Handy, Harris, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Orr, Parker, Price, Read, Richardson, Rockafellar, Shoemaker, Shuman, Stackhouse, Stephens, Tanner, Wilson, Work and Mr. Speaker—47.

No quorum voting.

On motion by Mr. Hamrick,

The House took a recess for one hour and a half.

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1½ o'clock, P. M.

House met.

Mr. Cooper, under the 26th section of article 4, of the Constitution, entered upon the journal the following protest with his reasons for dissent.

WHEREAS, During this second session of the General Assembly of the State of Indiana under the new constitution of 1850, which said session is to be holden sixty-one days and no longer, commencing on the 6th day of January, 1853, and ending on the 7th day of March, 1853, inclusive, the following action of both branches of the General Assembly was had with reference to free banking, to-wit:



A bill amending an act entitled an act "to authorize and regulate the business of general banking," approved May the 28th, 1852, passed the House in the following manner.

A special committee of thirteen was appointed early in the session, consisting of Messrs. McDonald, Stockwell, Pratt, Hendricks, Druley, Rockafeller, Buell, McClure, Henry, Moss, Steele and Cooper.

AND, WHEREAS, said committee reported a bill amendatory of said act making, among other provisions, the following: That all free banks be required to deposit an additional security of bonds to the amount of ——— cents on the dollar as abuses for banking. And, also, that all banks under the provisions of said act be required to do a legitimate banking business, and keep open four hours each day (judicial day), for said purpose.

AND, WHEREAS, the said House passed the said bill by a fair constitutional majority, with some amendments after reported by said special committee, among others, requiring the deposits of additional stock as further security to the bill-holder to the amount of  $12\frac{1}{2}$  per cent. on the dollar.

AND, WHEREAS, the said act having gone up to the Senate for its concurrence, was slightly amended, but still retaining the additional deposit of  $12\frac{1}{2}$  cents on the dollar, collateral security, as aforesaid.

AND, WHEREAS, said act so amended was concurred in by a fair constitutional vote of the Senate.

AND, WHEREAS, by said concurrence it fully appeared to the satisfaction of all, that both houses of the General Assembly of the State of Indiana, agreed upon said amount of  $12\frac{1}{2}$  cents additional security on the dollar; and also, that all banks under the provisions of said act should keep open four hours each day and do a legitimate banking business as aforesaid.

AND, WHEREAS, when said bill was sent by the Senate to the House asking the House to concur in some amendments made by the Senate, said bill and amendments were referred to a special committee, consisting of Messrs. McDonald, Stockwell, Druley, Chapin and Pratt.

AND, WHEREAS, a constitutional majority of the House on the 4th day of March, 1853, fearful of the tardy action of said committee, passed a resolution that said committee report instantler. After various delays of said committee, and after the chairman had been duly notified of said resolution by the clerk of the House, said committee at length reported back said bill with sundry amendments, the previous question being moved and withdrawn, the question recurred on the amendments of the Senate and the amendments to the amendments of the Senate, a vote was taken, beginning with the first legitimate amendment of the Senate in proper order, and a constitutional majority of sixty votes was found in favor of said amendment with but one vote against it; and as sixty-seven members is a quorum sufficient to do business under article 4, section 11, of the

constitution; said number of votes not being cast a call of the roll being had, it appeared that seventy-four members was present, which was pronounced a quorum to do business; whereupon another vote was taken on said amendments with about the like results. No quorum voting, and again and again the roll was called, there being present from seventy-three to seventy-seven members, and again and again the vote was taken on said amendment—there appearing at every vote from fifty-nine to sixty-three in favor and from one to three against. Although a clear and decided constitutional majority in favor, yet not being a quorum no business could be done.

It appeared manifest to all that a small majority, of from three to eight, in order to defeat the expressed will of a constitutional majority whenever a vote was taken, refused to vote, bolted, remained silent at their seats, or went into the lobbies, thereby thwarting the wishes of a large and overwhelming majority. And whenever the roll was called again they would come back to their seats and answer to their names; and so continued to bolt and answer when the roll was called through a tedious session of many hours.

It is true, occasionally some members of the small minority would move to lay the bill and pending amendments on the table, in order as asserted, to take up the revenue bill of 1853 and 1854, and the appropriation bills, declaring that if said bills were not taken up and passed, the fault would be with the majority, thus trying to force and bully an overwhelming majority to succumb to the views and will of a small factious minority.

The undersigned, representative from the county of Posey, desirous of discharging his duty to his constituency and the people of the State of Indiana, takes this occasion of defining his position, of setting himself right, and of washing his hands of the evil consequences which may flow from the factious opposition of a small minority or the improper conduct of the great majority.

In article 4, section 26, of the constitution is the following provision :

SEC. 26. Any member of either House shall have the right to protest, and to have his protest with his reasons for dissent, entered on the journal.

Now by virtue of the organic law of the land; of that constitution which we are sworn to support, I hereby enter my solemn protest against proceedings of the minority of the House of Representatives as hereinbefore mentioned, had on the 4th March, 1853.

I protest against them as a member of the House of Representatives.

In accordance with the spirit of the free and republican institutions of our country, the majority of the people or of the peoples representatives have the right to rule, but at the same time not to trample on the privileges or immunities of the minority. And the minority should recollect that in pursuing a heedless, headlong, unjust and stubborn course towards the majority, that they may arrive

at that point when forbearance ceases to become a virtue. They have come to that point.

I therefore protest against their proceedings.

I protest against them as the representative of fifteen thousand free citizens, including 2,500 voters of the State of Indiana.

I protest against them in the name of the people of the State of Indiana.

I protest against them in the name of democratic republican principles, which they have wantonly violated.

I protest against them on account of the oaths they have taken to support the constitution of the land.

I protest against them by the sacred duty they should owe to themselves as American freemen, to submit themselves to the express legitimate will of the majority, as well as that duty which is due to their country and their God.

I invoke them to retrace their paths of error and "dare to do right."

And lastly, I protest against them in the name and by the authority of those principles of compromise justice, which should govern all men towards their fellow man. And at the same time, I raise my solemn protest against the seemingly determined will of the majority, in refusing to pass the revenue bill and appropriation bill, before the constitutional time expires, as the following provisions of article 5, section 14, requires that "no bill shall be presented to the Governor, within two days next previous to the final adjournment of the General Assembly."

Let us pass these bills if yet we have the power lawfully so to do. If the majority refuse to do this, I protest against them.

By such refusal a call session may have to be had, with vast expense to the tax paying people of the State. I protest against any additional expense to the people, resulting from the headstrong action of the majority upon this floor, if they adjourn without doing their duty, it will be a disgrace to the legislature of the State, and the people should hold them accountable for a due share of responsibility.

My course is as clear as a ray of light, although I have acted with the majority to the present moment with a firm and unyielding will, and although I think the minority have been, and is now greatly in the wrong, yet I hereby bury my feelings, and sacrifice my private judgment of right upon the altar of our common weal, sink down the partisan and rise the benefactor; let the responsibility be where it may, it shall not rest upon my shoulders. Let us then pass the revenue and appropriation bill. By so doing in my humble judgment, however much the sacrifice may be, it may in part cover the errors committed and best subserve the interests, wishes and prosperity of the people.

H. C. COOPER,  
*Representative from Posey.*

Question pending at last adjournment was the rejection of Senate bill No. 94.

And being put;

The ayes and noes were demanded by Messrs McDonald of Lake and Stockwell.

*Those who voted in the affirmative were,*

Messrs. Ballard, Buell, Burnett, Cooper, Ferris, Hamrick, Henry, Scott, Seawright, Shelby, Underwood and Walker of Laporte—12.

*Those who voted in the negative were,*

Messrs. Brecount, Catlin, Chapin, Clark, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Handy, Harris, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, Manville, McClure, McDonnall of Sullivan, McKee, McKinney, Parker, Price, Read, Richardson, Shoemaker, Shuman, Stephens, Struble, Tanner, Wilson, and Mr. Speaker—43.

No quorum voting.

Whereupon the Speaker ordered a call of the House.

When the following members answered to their names, viz:

Messrs. Ballard, Brecount, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Gentry, Goodman, Hamrick, Handy, Harris, Hendricks, Hicks, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Scott, Seawright, Shelby, Shoemaker, Shuman, Stackhouse, Steele, Stephens, Stockwell, Struble, Taber, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—65.

The doors were then closed, and the Speaker by order of the House, issued the following writ for the absentees.

THE STATE OF INDIANA, SCT.

*To the Sergeant-at-Arms—Greeting :*

You are hereby commanded to take into custody, and forthwith bring into the Hall of the House of Representatives, the bodies of Messrs. Dillon Bridges, Eli Brown, Samuel Donelson, Samuel Greene,

Mr. Hooper of Whitley, F. D. Lasselle, A. Martin, E. K. Rockefeller, F. B. Thomas, James Walker, T. S. Lines and J. Simpson.

By order of the House,

O. B. TORBET,

*Speaker of House of Representatives.*

ATTEST:

W. M. R. BOWES,

*Principal Clerk of House of Representatives.*

March 5, 1853.

The Sergeant-at-Arms, after making search, reported that all the above named gentlemen had left the city, except Mr. Brown, who was at his room sick and not able to attend in the Hall.

On motion by Mr. Hicks,

The further call was suspended.

Whereupon the Speaker adjourned the House.

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MONDAY MORNING, 8½ o'clock, }  
March 7, 1853.

The House met pursuant to adjournment.

On motion by Mr. Dufour,

The reading of the Journal of Saturday was dispensed with.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By the Speaker;

A petition from the mock legislature convened in DeKalb county and other citizens of the same district, on the subject of securing to each township, a public cemetery, to be in charge of a proper officer.

Which was laid on the table.

#### REPORTS FROM COMMITTEES.

By Mr. Stockwell, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means have the honor to make the following report of their examination of the offices of the Treasurer

and Auditor of State, and of the receipts and expenditures at the State Treasury.

The committee have carefully examined the accounts of the Treasurer and Auditor of State, and they take great pleasure in saying that the vouchers of receipts at the Treasury, and warrants of the Auditor correspond in every particular with the entries on the respective registers of warrants and receipts, which form the basis of accounting in the offices of the Treasurer and Auditor. Appended hereto is a statement marked A, exhibiting the receipts and expenditures at the State Treasury for the fiscal year ending on the 31st day of October last. From this statement it appears that at the close of the last fiscal year the balance in the Treasury, exclusive of the funds of the Wabash and Erie canal amounted, provided all warrants issued had been redeemed, to the sum of \$402,719 48.

Exhibit B appended to this report, contains a full exhibit of treasury notes of various denominations redeemed at the treasury during the last fiscal year and cancelled.

Exhibit C appended hereto, contains a full statement of the fraudulent issue, and over-redemption of treasury [notes], the discrepancies that exist between the reports of the Agent of State and the books of the Auditor of State, in the amount of stocks issued in exchange for such, and the loss of redeemed bonds.

All of which is respectfully submitted:

GEO. P. BUELL,  
S. MANVILLE,  
J. M. STOCKWELL,  
I. H. JENNINGS,  
H. E. DODD,  
W. SEAWRIGHT,  
F. D. LASSELLE.

## EXHIBIT A.

**I.--A General Statement of the Receipts and Expenditures during the Financial Year, from November 1, 1851, to October 31, 1852.**

### RECEIPTS.

Balance remaining in the Treasury, at the close of  
the last fiscal year, October 31, 1852. . . . . \$181,260 22

The following sums were received during the financial year which closed October 31, 1852, to-wit :

### REVENUE.

On account of revenue of 1843 . . . . .	\$472 54
On account of delinquent revenue of 1850 . . . . .	52,412 40

On account of revenue of 1851.....	604,121 05
On account of delinquent revenue of 1851 .....	263 48
On account of revenue of 1852 .....	829 55

## UNIVERSITY FUND.

On account of loans refunded.....	6,575 32
On account of interest on loans .....	5,939 15
On account of sales of land, principal.....	1,923 27
On account of sales of land, interest .....	936 22
On account of damages on sales of land .....	68 06
On account of costs of advertising refunded.....	86 14

## BANK TAX FUND.

On account of loans refunded .....	1,140 00
On account of interest on loans.....	639 68
On account of State Bank assessment .....	665 31
On account of costs of advertising refunded .....	14 00
On account of damages .....	25 00

## SALINE FUND.

On account of loans refunded.....	4,244 21
On account of interest on loans .....	1,657 89
On account of costs of advertising refunded .....	29 44

## SURPLUS REVENUE FUND.

On account of loans refunded.....	980 35
On account of interest on loans .....	429 36
On account of costs of advertising refunded.....	13 00

## CONGRESSIONAL TOWNSHIP FUND.

On account of loans refunded.....	100 00
On account of interest on loans .....	71 96

## TREASURY FUND.

On account of interest on loans .....	779 29
On account of costs of advertising refunded.....	6 00
On account of damages on sales of lands .....	30 71

## COMMON SCHOOL FUND.

On account of profits of State bank.....	73,839 74
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## INDIANAPOLIS LOTS.

On account of sales of lots, principal.....	87 50
On account of sales of lots, interest....	3 05

## HOSPITAL FOR THE INSANE.

On account of proceeds of farm.....	26 20
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## DEAF AND DUMB ASYLUM.

On account of proceeds of farm.....	35 55
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## NORTHERN DIVISION OF CENTRAL CANAL.

On account of water rents.....	173 39
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## REVISED STATUTES.

On account of sale of.....	14 25
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## WABASH AND ERIE CANAL.

On account of tolls and water rents.....	198,910 96
On account of canal lands in Vincennes district....	129,318 80
On account of canal lands east and west of Tippe- canoe.....	131,267 06
On account of premiums and exchange.....	905 42
On account of subscriptions by bondholders.....	50 00

## SUSPENDED DEBT.

On account of suspended debt.....	2,500 00
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## SWAMP LANDS.

On account of sales of swamp lands.....	60,656 76
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## NATIONAL ROAD.

On account of sale of national road.....	573 75
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## MISCELLANEOUS.

On account of miscellaneous items.....	5 00
On account of estates without heirs.....	231 97
On account of insurance tax.....	12 26

Total amount of receipts from November 1, 1851, to October 31, 1852, inclusive.....	\$1,283,064 84
Add balance in treasury, November 1, 1851.....	181,260 22
Grand total of receipts.....	<u>\$1,464,325 06</u>

## EXPENDITURES.

There were audited during the financial year ending October 31, 1852, the following sums, to-wit:

## ORDINARY EXPENSES.

On account of supreme and circuit judges.....	\$14,040 70
On account of probate judges.....	4,544 00
On account of prosecuting attorneys.....	1,853 83
On account of State House.....	1,009 26
On account of State Prison.....	4,770 18
On account of public printing, paper and binding...	14,888 11
On account of specific appropriations.....	1,396 75
On account of executive department.....	4,931 95
On account of stationery and fuel.....	4,191 90
On account of State Library.....	351 27
On account of militia.....	258 10
On account of Legislative expenses, viz:	
Per diem and mileage of members....	\$80,026 66
Pay of clerks.....	11,880 00
Pay of door-keepers and woodmen...	6,432 00
Newspapers for members.....	6,202 59
Miscellaneous expenditures.....	1,910 40—
	106,451 65
On account of Governor's House.....	598 49
On account of Governor's Circle.....	9 54
On account of distributing laws and journals.....	290 26
On account of contingent fund, viz:	
Postage for Executive departments.....	\$322 67
Printing and records.....	53 68
Serving requisitions.....	173 33
Rewards for fugitives.....	50 00
Costs in circuit and supreme courts.....	33 31
Transportation.....	14 25
Stationery.....	3 45
Sundries.....	76 00—
	726 69

## PUBLIC DEBT.

On account of interest for January and July.....	199,784 00
On account of salary of Agent, Col. May.....	2,500 00
On account of expenses of agency.....	658 76

## TREASURY NOTES.

On account of six per cents. cancelled.....	27,535 00
On account of interest on same.....	17,027 41
On account of five per cents. cancelled.....	63,925 00
On account of interest on same.....	27,466 59
On account of quarter per cents, cancelled.....	735 00
On account of interest on same.....	14 70

## SWAMP LANDS.

On account of incidental expenses of.....	4,064 24
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## UNIVERSITY FUND.

On account of loan.....	11,914 57
On account of interest refunded. . . . .	31 43
On account of expenses of fund . . . . .	920 01
On account of professors' salaries.....	3,496 17
On account of costs of advertising.....	9 25

## SALINE FUND.

On account of distribution of fund.....	1,380 86
On account of loans.....	1,280 00
On account of damages on sales of land.....	133 15
On account of expenses of fund.....	308 37
On account of costs of advertising.....	4 00

## BANK TAX FUND.

On account of distribution of fund.....	4,142 58
On account of costs of advertising.....	8 00
On account of expenses of fund.....	80 16

## SURPLUS REVENUE FUND.

On account of distribution of fund.....	794 40
On account of loans.....	200 00
On account of interest refunded.....	13 50
On account of expenses of fund. . . . .	110 51

## CONGRESSIONAL TOWNSHIP FUND.

On account of distribution of fund.....	43 72
On account of expenses of fund.....	7 28

## TREASURY FUND.

On account of expenses of fund .....	
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## CENTRAL CANAL—NORTHERN DIVISION.

On account of incidental expenses.....	30 00
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## BENEVOLENT INSTITUTIONS.

On account of Deaf and Dumb Asylum.....	44,162 34
On account of Blind Asylum.....	32,493 95
On account of Hospital for the Insane.....	26,903 92
On account of Superintendent of Insane Hospital.....	1,500 00

## MISCELLANEOUS.

On account of new State Prison.....	113 10
On account of revenue refunded.....	995 95
On account of Constitutional Convention.....	2,597 25
On account of Carter's Reports. ....	1,500 00
On account of State Board of Agriculture.....	2,929 86
On account of law reform commission.....	2,787 70
On account of equalization .....	917 00
On account of free banking.....	36 00
On account of national road.....	5 00

## WABASH AND ERIE CANAL, BY TRUSTEES.

On account of general expenses of Trustees.....	15,110 58
On account of expenses of land office, Vincennes district.....	1,841 79
On account of expenses of land office, east and west of Tippecanoe.....	1,995 41
On account of ordinary repairs.....	44,988 57
On account of extraordinary repairs.....	12,727 13
On account of surveys and locating.....	12,146 49
On account of superintendence.....	5,390 24
On account of expense of collection.....	6,196 47
On account of rebuilding bridges.....	2,842 87
On account of interest to bondholders.....	58,428 00
On account of subscription to Clinton draw-bridge..	8,000 00

On account of damages and water power.....	25,732 30
On account of construction, Terre Haute to Point Commerce.....	1,776 35
On account of construction, Point Commerce to Newbury.....	7,280 51
On account of construction, Newbury to Maysville..	11,375 78
On account of construction, Maysville to Petersburg,	69,778 81
On account of construction, Petersburg to Evansville.	130,000 00

Whole amount audited during financial year 1852,	
Warrants No. 6,501 to No. 7,716, inclusive.....	\$1,061,605 58
Add balance in treasury, October 31, 1852.....	402,719 48
Grand total.....	<u>\$1,464,325 06</u>

## RECAPITULATION.

Balance in treasury, October 31, 1851.....	\$181,260 22
Receipts for 1852.....	1,283,064 84
Total.....	<u>\$1,464,325 06</u>
Deduct warrants as above.....	1,061,605 58
Balance in treasury, October 31, 1852.....	<u>\$402,719 48</u>

## EXHIBIT B.

DATE OF ISSUE.	Denomination.	No. of Notes.	Amount of Interest allowed on each note.	Total amount of Interest.	Total amount of principal.	Grand total.
April 20, 1840.....	\$50	248	34 58	8,877 16	12,400 00	21,277 16
September 20, 1840....	50	5	33 33	168 27	250 00	418 27
February 10, 1841.....	50	1	32 17	32 17	50 00	82 17
April 20, 1840.....	5	2,150	3 46	7,650 52	10,750 00	18,400 53
September 20, 1840....	5	404	3 33	1,376 44	2,020 00	3,396 04
February 10, 1841.....	5	88	3 22	284 80	440 00	724 80
April 1, 1841.....	5	35	3 18	115 80	175 00	290 80
May 1, 1841.....	5	22	3 15	70 58	110 00	180 58
June 1, 1841.....	5	16	3 13	50 40	80 00	130 40
July 1, 1841.....	5	199	3 10	633 00	995 00	1,628 00
September 1, 1841.....	5	27	3 05	85 07	135 00	220 07
October 1, 1841.....	5	46	3 02	140 64	230 00	370 64
November 1, 1841.....	5	100	3 00	311 22	500 00	811 22
December 1, 1841.....	5	20	2 97	61 10	100 00	161 10
January 1, 1842.....	5	159	2 95	494 74	795 00	1,289 74
February 1, 1842.....	5	67	11½	7 75	335 00	342 75
Five Per Cent. Bank Scrip—						
April 1, 1842.....	5	3	2 40	7 20	15 00	22 20
May 1, 1842.....	5	98	2 37	232 26	490 00	722 26
June 1, 1842.....	5	5	2 25	11 75	25 00	36 75
July 1, 1842.....	5	405	2 33	943 65	2,025 00	2,968 65
August 1, 1842.....	5	9	2 31	20 78	45 00	65 79
				21,574 90	31,965 00	53,539 90

## NOTES REDEEMED AT THE SINKING FUND OFFICE.

Principal of bank scrip.....	\$49,485 00
Interest.....	24,507 88
Principal of treasury notes... ..	31,965 00
Interest.....	21,574 90
Three notes of August 1, 1852, were produced and burned in addition to the above.....	15 00
Interest on same.....	7 68
	<hr/>
	\$127,555 46
	<hr/> <hr/>

## EXHIBIT C.

*Report of the Committee of Ways and Means, of the House of Representatives, relative to the fraudulent issue and over-redemption of Treasury Notes.*

Mr. Manville, from the committee of Ways and Means, made the following report :

MR. SPEAKER :

The committee of Ways and Means, having been instructed by resolution of the House to report the probable excess of Treasury Notes redeemed and still outstanding, over the amounts reported to have been issued; the amount of State bonds reported to have been redeemed under the State Debt arrangement, and the amount of such cancelled bonds returned to the Treasury by the Agent of State; and, also, whether any discrepancies exist between the reports of the Agent of State and the books of the Auditor of State in the amount of stocks issued in exchange for such bonds, accompanying such report with a recommendation of such measures as they may deem necessary for a thorough investigation of the matters therein referred to, for the protection of the interests of the State, in compliance with the said resolution, respectfully report :

That from the last report of the Auditor of State, it appears that of the *Five per cent. Treasury Notes*, there had been redeemed, up to the date of that report, exclusive of interest, the sum of.. \$735,170  
While the authorized issue amounted to only..... 722,640

Showing an excess redeemed, of.....	\$12,530
Of <i>Quarter per cent. Treasury Notes</i> , the amount re- deemed, of principal, is stated at.....	\$76,950.
Amount of authorized issue.....	70,000

Showing an excess redeemed, of .. .. .	6,950
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Making a total loss to the State, of.....	\$19,480
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The committee, from an examination of the books of the Auditor and Treasurer, and by reference to the report of the committee of Ways and Means to the last General Assembly, are satisfied that the amount of Five per cent. notes redeemed and now outstanding, over the amount of authorized issue, will reach the sum, exclusive of interest, of..... \$18,000

And that the excess of quarter per cent. notes will exceed the sum of..... 10,000

Making a total loss to the State, exclusive of interest, of not less than..... \$28,000

In regard to *redeemed State bonds*; it appears from the report of the Agent of State, that up to November, 1851, there had been redeemed and cancelled, 9,959 bonds,

Amounting to..... \$9,959,000

The Agent, last winter, returned to the office of the State Treasurer, only 5,763 bonds, amounting to... 5,763,000

Leaving a deficit of 4,196 bonds, or..... 4,196,000

Of *out-standing State bonds*, the Auditor reports the amount at..... \$1,214,000

The Agent of State reports the amount at..... 982,000

Showing a discrepancy of..... 232,000

Of *new stocks, State and canal*, issued in exchange for original State bonds, &c., the Agent of State reports the amount at.....

\$13,395,067 00

While the Auditor reports the amount at..... 13,120,692 50

Showing a discrepancy of..... 274,374 50

This extraordinary condition of the stock accounts of the State, in the opinion of the committee, challenges the earnest attention of the General Assembly, and demands immediate and effectual action. By reference to the annual reports of the Auditor of State, it will be seen that that officer has repeatedly called the attention of the General Assembly to the excess of one-quarter per cent. treasury notes, and has advised an investigation of the subject. No action has ever been taken upon this recommendation. Within the past year it has been discovered that a still larger excess exists in the amount of five per cent. notes. The report of the committee of Ways and Means at the last session, makes it highly probable that this excess, so far at least as the one-quarter per cent. notes are concerned, does not arise from a re-issue, but that forged notes to a large amount have been put in circulation. It would be wrong as well as impolitic,

with the very limited knowledge we have at present on the subject, to hint suspicion, yet it would seem strange indeed if a thorough investigation should not throw some light upon the subject.

Both the Agent of State and the Auditor, have repeatedly called the attention of the General Assembly to the importance of having the stock books of the Agent of State duplicated in the office of the Auditor. The reasons for this are obvious. The State should always be able to keep the acts of her agents under her own eye. Aside from this, the risk that the books and papers of the Agent of State might be destroyed by fire, or other casualty, should admonish us to provide against any such contingency. The books of the Auditor and Treasurer afford no check upon the Agent, not even to detect and correct errors, if any should exist, in his accounts. The Auditor has no knowledge of the operations of the Agent other than what is furnished to the Legislature in the reports of the Agent. The committee do not think it necessary to dilate upon the necessity for mutual checks in all matters of public accounting. This is obvious, and is sanctioned by the practice of all State and public institutions. This mutual accounting cannot even be commenced, much less kept up, unless first a thorough examination be had into the accounts of both offices; and this course is recommended in the last report of the Auditor. The large discrepancies between the accounts of the Agent and the Auditor render this particularly desirable at this time.

It is submitted that, if there were no other occasion for an investigation, sufficient is furnished in the startling fact that the Agent of State is unaware of the disposition made of nearly one-half of the bonds reported to have been surrendered to the State under the late arrangement of her public debt. Of the bonds returned to the State Treasury last year, it appears that several had no marks of cancellation upon them; and if this should be true of any portion of those not returned, what assurance have we that they have not found their way into the hands of innocent holders, who may demand to surrender them a second time?

Experience has taught Indiana a dear lesson of the importance of vigilance in regard to her financial operations, and your committee trust that the time for adopting a stricter policy has arrived.

In accordance with the views above expressed, as well as in compliance with the resolution of the House, the committee ask leave to report the accompanying bill and recommend its passage.

The following message from his excellency, the Governor, by Mr Tarkington, executive messenger, was received:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that the following bills have been by him signed and approved.

No. 183. An act in relation to the construction of bridges over

certain navigable streams, and prescribing the penalty of a violation of the permissions herein set forth.

No. 214. An act for the distribution of the census reports of 1840 and 1850 to the counties.

No. 223. An act making specific appropriations for the year 1853.

No. 225. An act to repeal an act entitled "an act to locate a State road in the counties of Clay and Owen."

No. 218. An act making general appropriations for the years 1853 and 1854.

No. 222. An act to amend the charter of the Lawrenceburgh and Upper Mississippi Railroad Company.

No. 207. An act to amend the charter of the Evansville and Illinois Railroad Company.

No. 106. An act giving validity to the alterations made and omissions supplied to the Revised Statutes, and in the Code of Civil and Criminal Practice of 1852, by the persons superintending the publication of the same.

No. 224. An act to explain an act entitled "an act authorizing railroad companies to consolidate their stock with the stock of railroad companies in this or an adjoining State, and to connect their roads with roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23d, 1853.

No. 221. An act fixing the times of holding courts in the fifth judicial circuit.

No. 164. An act to repeal an act entitled "an act to amend the charter of the Evansville and Illinois Railroad company," approved February 8, 1851.

No. 169. An act supplemental to an act entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant. This act to regulate the title of all those who purchased swamp lands of the United States after the date of the donations, and before the selection of the swamp lands, and to enable purchasers to purchase 40 acre tracts, and to grant pre-emptions in certain cases to occupiers of the swamp lands.

No. 205. An act to amend the 18th, 24th, 25th and 26th sections of an act, entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852, and adding a supplemental section to said act.



No. 159. An act giving common pleas courts concurrent jurisdiction with circuit courts in cases of complaints for bastardy and surety of the peace.

No. 213. An act to authorize and request the Governor to exchange the revised statutes, laws, documentary journals, and reports of the supreme court of this State, with those of other States of the Union.

No. 170. A bill to provide for the conveyance of donation land, adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased;

No. 29. A joint resolution in regard to the industrial exhibition to be held in New York in May next, and in New Orleans in February, 1854.

No. 220. An act to raise a revenue, for State purposes, for the years 1853 and 1854.

All of which originated in the House of Representatives.

Mr. Ferris from a select committee made the following report:

**MR. SPEAKER:**

The select committee to whom was referred a petition on the subject of temperance, from the yearly meeting of Friends, held at Newport, Wayne county, Indiana, have had the same under consideration and have directed me to report that said petition came to the committee at too late a day to have any influence on the legislation of the present session, this body having acted and determined on the subject-matter of the petition. Your committee, therefore, ask that the petition be laid on the table, and that they be discharged from further consideration thereof.

On motion by Mr. Hicks,

**WHEREAS**, The time has arrived for the final adjournment of this Legislature, therefore,

*Resolved*, That we will ever cherish with warm feelings, the pleasant associations formed among each other during the present session.

On motion by Mr. Walker of Laporte,

*Resolved*, That the inkstand received from the American Porcelain Company, be presented to the Honorable Speaker of this House as a small testimonial of the friendship which his impartial and distinguished services as a presiding officer, has elicited from the members.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

*Resolved*, That a committee of three on the part of the Senate be appointed to act with a similar committee, to be appointed on the part of the House, to inform his excellency, the Governor, that the General Assembly is about to adjourn *sine die*, and whether he has any further communication to make to either House of the Legislature, and that the House be requested to reciprocate this resolution. Whereupon Messrs. Edwards, Cox and Reynolds were appointed to act as said committee on the part of Senate.

The resolution contained in the foregoing message was reciprocated by the House, and Messrs. Turpie, Goodman and Farnsley were appointed said committee on the part of the House.

On motion by Mr. Shelby,

*Resolved*, by the General Assembly, That the Governor, Auditor and Treasurer of State be requested to examine into the stock affairs of the State, and report to the next Legislature concerning the loss of surrendered bonds, and the excess of scrip.

Mr. Turpie, from a joint select committee, made the following report:

MR. SPEAKER:

The committee would report that the Governor has no further communications to make to the General Assembly.

He regrets that the clear expressed will of the people as shown by a decided majority of their representatives on the most important question of the session, was not carried out by legal enactment.

He wishes individually the members of both Houses a safe return to their families and constituents.

On motion by Mr. Johnson,

*Resolved*, That the clerk inform the Senate that the House have gone through with the legislative business of the present session, and are now ready to adjourn *sine die*.

In which the concurrence of the Senate is respectfully requested.

A call of the House was ordered,

Whereupon the following members answered to their names, viz:

Messrs. Ballard, Brecount, Brown, Buell, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferris, Fleming, Freeland, Goodman, Hamrick,

Handy, Harris, Hartley, Hendricks, Hicks, Hooper, Howell, Hunt, Johnson, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemmon, Lewis, Lowe, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Scott, Seawright, Shelby, Shoemaker, Shuman, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—63.

On motion by Mr. Johnson,

Leave of absence was granted to Mr. Jones of Ripley on account of sickness.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have reciprocated the resolution of the House relative to appointing the State officers to examine the stocks, &c., of the State.

A message from the Senate by Mr. Sites their Secretary:

MR. SPEAKER:

In am directed by the Senate to inform the House that the Senate have adopted the following resolution:

*Resolved*, That the Secretary of the Senate inform the House of Representatives that the Senate have completed the legislative business for which they were assembled, and are ready to adjourn *sine die*.

Whereupon the Speaker adjourned the House *sine die*.

WILLIAM R. BOWES,  
*Principal Clerk H. R.*

SAMUEL S. CROWE,  
*Assistant Clerk H. R.*



## QUESTIONS OF ORDER

DECIDED AT THE THIRTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE  
STATE OF INDIANA,

BY HON. O. B. TORBET, OF DEARBORN, SPEAKER.

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HOUSE OF REPRESENTATIVES, }  
FEBRUARY 9, 1853. }

Mr. Hicks obtained leave and introduced  
No. 135. A bill creating the office of Attorney General, and matters  
properly connected therewith.

Which was read a first time and passed to a second reading.

Mr. McDonald of Lake raised the question of order, on the ground that  
the subject matter of the bill had been indefinitely postponed.

The Speaker overruled the point of order;

From which decision, Mr. McDonald of Lake appealed.

The question then being, shall the decision of the chair stand as the  
judgment of the House?

It was decided in the affirmative.

So the decision of the chair stands as the judgment of the House.

MARCH 5, 1853.

The question pending was on concurring in one of the amendments of  
the Senate to House bill No. 110.

A call of the House was ordered, when seventy-one members answered  
to their names.

On the question of concurring, the vote stood ayes 58, noes 7.

The Speaker ordered the clerk to record the names of those present  
who reported themselves as present on the call of the House, and whose  
names were not answered to on this vote as present, and refused to vote;

Which names are as follows, viz :

Messrs. Burnett, Dyer, Goodman, Greene, Johnson, Martin, McDonald  
of Lake, Steele, Stockwell, and Taber.

The Speaker decided the amendment adopted, there being 65 members voting and 10 refusing to vote.

Mr. McDonald of Lake appealed from the decision of the chair.

The Speaker ordered a call of the House, when seventy-one members answered to their names.

The question then being, shall the decision of the chair stand as the judgment of the House?

And being put, the vote stood ayes 33, noes 35.

There being no quorum voting,

The following members came within the bar, and obtained permission to record their votes in the negative, viz:

Messrs. Burnett, Goodmn, Johnson, McDonald of Lake, Steele, Stockwell, and Taber—7.

So the decision of the chair does not stand as the judgment of the House.

## ERRATA.

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Page 222, 8th line from top, for "18" read "12."

Page 292, 21st line from top, for "13" read "14."

Page 301, 10th line from bottom, for "117" read "17."

Page 522, the bill introduced by Mr. Pratt should be No. "155" instead of "165."

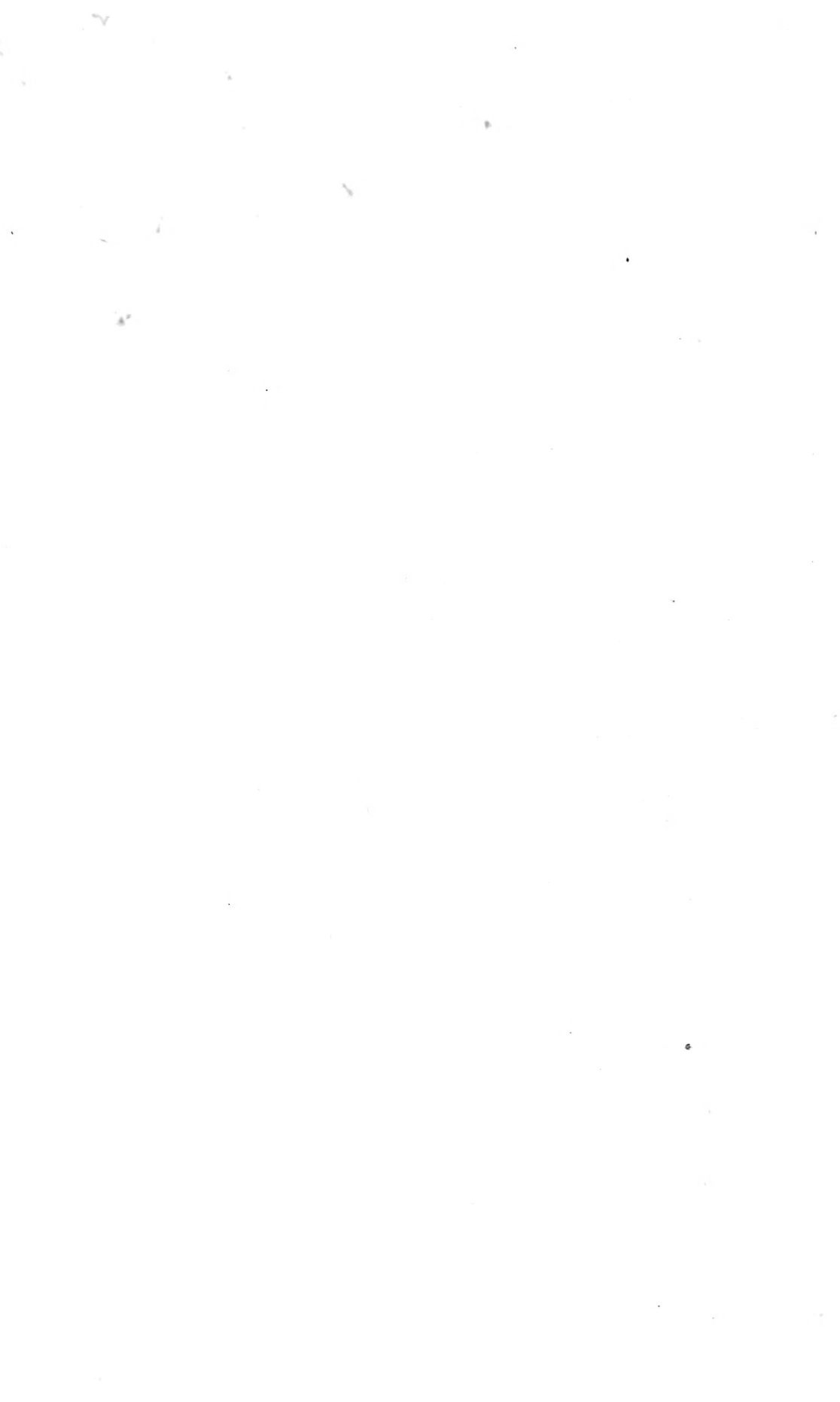
Page 688, in Mr. Pratt's report, for "House bill" read "Senate bill."

Page 744, 2d line from bottom, for "resolution" read "amendment."

Page 904, 8th line from bottom, for "85" read "83."

Page 954, 7th line from top, for "bill" read "vote."

Pages 961 and 962, for "2d amendment" read "4th amendment."





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## BILLS OF THE HOUSE OF REPRESENTATIVES.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed.			Other proceedings.	Approved.
				House.	Senate.	House.		
1	A bill to create a bank department, and otherwise amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852,	54	54, 61, 90, 153, 238, 238, 765					
2	A bill concerning choses in action, and the recovery before justices of the peace...	86	87, 94, 130					
3	A bill to repeal an act fixing the time of holding circuit courts in the county of Marion, and for other purposes, approved February the 16th, 1848; and an act relative to the practice of the law in Marion county, approved February 13, 1851,	94	115, 128	128				
4	A bill to amend section thirty of an act entitled "an act to establish courts of common pleas," approved May 14th, 1852.	100	115, 196, 218	252				
5	A bill to extend the duration of the Delphi and Frankfort Plank Road Company, approved Jan. 15, 1849.	100	115, 194, 219	219				
6	A bill to prevent negroes, mulattoes and Indians from testifying in courts of justice in certain cases, and their acquiring real estate.	100	101, 115, 310					
7	A bill to change and fix permanently the times of holding the terms of the circuit courts in the several counties in the fifth judicial circuit.	113	128, 227, 264, 286	287				
8	A bill defining the number of hours to be a day's work in all contracts relating to labor.	128	249					
9	A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of the interest on the public debt.	123	140, 153, 189	189				
10	A bill to provide a salary for the Governor's Private Secretary.	136	152, 153,					
11	A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name.	140	152	172				263
12	A bill to legalize certain State Wabash and Erie Canal certificates.	140	152	172				268
13	A bill relative to notaries public.	147	152, 213, 214, 240, 272	311				478
14	A bill to repeal section 1 of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852.	152	170, 248					
15	A bill to authorize circuit judges to practice law in certain cases.	152	170, 214					
16	A bill to amend the 9th section of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State.	158	186, 204	205		304		
17	A bill to give livery stable keepers, and others engaged in the feeding of cattle, horses, hogs, and other live stock, a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics and others, approved May 20, 1852; approved January 27, 1853.	159	186, 208	208		254	210	301



18	A bill to repeal section 276, article 14, of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852; and to dispense with the use of seals in conveyances of lands, or of any interest therein, and to define the meaning of all terms importing a seal in contracts obligatory upon individuals, where the same occur in laws now in force or hereafter to be in force.....	159	187, 207, 208, 243, 244	244			
19	A bill to amend the 43d and 45th sections of an act to provide for the opening, vacating and change of highways, approved June 17th, 1852.....	162	187, 209, 404, 478				
20	A bill to amend an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.....	169	187, 384				
21	A bill to raise a revenue for State purposes for the years 1853 and 1854, and to provide for the extinction of the public debt.....	169	187, 780				
22	A bill to repeal section 6 of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852.....	169	187, 313	241	479	532	781
23	A bill for the equal distinction of property assigned for the benefit of creditors.....	169	187, 329, 677				
24	A bill to establish a board of bank commissioners, and to amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.....	174	187, 252, 368, 765				
25	A bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years, in the State of Indiana, in the year 1853.....	178	200	219	680	680	788
26	A bill to amend section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in courts of this State," approved June 17, 1852.....	185	200, 247, 274, 525				
27	A bill to amend the 17th section of an act entitled "an act regulating descents, and the apportionment of estates," approved May 14th, 1852.....	185	201, 202, 739				
28	A bill to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1849.....	185	202, 312	341	481		530
29	A bill to repeal part of section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.....	190	202, 245, 247, 274	282	458	600, 770	905
30	A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	191	202, 402, 514				
31	A bill to change the time of holding courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties.....	191	202	220	291		301
32	A bill to revise and amend an act for the more uniform mode of doing township business, approved May 6th, 1852, and defining the duties of certain officers there in named.....	191	200, 426				
33	A bill to amend an act entitled "an act to regulate the relation of master and apprentice," approved May 27th, 1852.....	196	217, 333				

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
34	A bill amendatory of an act to provide for a general and uniform system of common schools, approved June 14, 1852.....	200	217, 248, 863				
35	A bill to provide for annual reports of State officers, branches of State Bank, and benevolent institutions, to be made to the Governor.....	200	217, 250, 274	274	359		423
36	A bill to prohibit the circulation of foreign bank bills under the denomination of ten dollars.....	200	217, 218, 385				
37	A bill to change the time of holding circuit courts in the tenth judicial circuit.....	217	239, 290	290	403	457, 626, 638	701
38	A bill entitled an act for the more uniform mode of solemnizing marriages, and matters properly connected therewith.....	217	240, 263, 264, 232				
39	A bill to define the county line between the counties of Gibson and Warrick.....	230	254, 296-7, 324, 462, 397				
40	A bill to exempt property from sale in certain cases, and repeal an act therein mentioned.....	230	255, 330, 331				
41	A bill to amend an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof, approved May 14, 1852.....	230	255, 309				
42	A bill to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.....	230	255, 313	342	481		570
43	A bill to fix the time of holding courts in the ninth judicial circuit, and the length of terms.....	230	255	275	356		424
44	A bill to amend an act entitled "an act to authorize boards doing county business to declare water courses navigable.....	230	255, 294, 319	320			
45	A bill to amend an act entitled "an act touching official bonds and oaths," approved June 9, 1852.....	237	255	275	402		424
46	A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties,".....	237	256, 314	343	481		530
47	A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county.....	252	272, 321	343	622	694, 703, 796	
48	A bill to amend an act entitled an act to provide for the erection and repair of bridges, approved May 22, 1852.....	252	273, 418, 483	483	796		905
49	A bill to authorize voluntary associations to hold and convey property and to pass and enforce by-laws for their benefit.....	253	273, 295	322	457		478
50	A bill to amend an act entitled "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain,".....	253	273				

51	A bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.	253	273, 334, 351	352	481	531
52	A bill to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.	253	273, 295	322	421	424
53	A bill amendatory of the sixth section of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852, and authorize allowances to poor persons in certain cases.	261	289, 308	308	402	424
54	A bill to establish a house of refuge for juvenile offenders in the State of Indiana.	261	289, 593, 710			
55	A bill to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved January 15, 1852.	262	289	323	864	928
56	A bill to amend section 78 of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duty of assessors, appraisers of real property, county treasurers, auditors, and Treasurer and Auditor of State, approved June 21, 1852.	271	289, 409			
57	A bill to attach township No. 1, north of range 8 west, and sections number 31, 32, 33, 34, 35 and 36, in township No. 2, north of range 8 west, now constituting a part of the county of Knox, shall be attached to and constitute a part of the county of Pike.	271	289		320	
58	A bill to amend an act entitled "an act to re-organize the militia, providing for the appointment and prescribing the duties of certain officers thereof," approved June 14, 1852.	272	289			
59	A bill to punish and prevent frauds in the use of false stamps and labels, approved February 10, 1852.	272	289, 290, 334	352	479	531
60	A bill to amend an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.	272	290, 409			
61	A bill to encourage a spirit of colonization by preventing negroes and mulattoes from acquiring real estate after the first day of July next.	272	290, 386			
62	A bill to enable illegitimate children to inherit in certain cases, and to authorize the court of common pleas to make certain orders.	283	306, 362, 378	378	481	531
63	A bill to amend an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.	285	306			
64	A bill to repeal the general banking law.	285	306, 307, 521, 718, 862			
65	A bill to amend an act entitled "an act in relation to county treasurers," approved June 4, 1852.	285	307	323	402	424
66	A bill to give authority to judges of the common pleas courts to compel executors and administrators to obey the orders of said courts, and to compel the clerks thereof to give additional bonds.	285	307, 540			
67	A bill forming the 12th judicial circuit, and designating the counties that shall constitute the 7th circuit, and fixing the times of holding courts in said circuits.	285	307, 368			
68	A bill to amend an act entitled "an act providing for the organization of county boards, and prescribing their powers and duties, approved June 17th, 1852."	285	308, 367			

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
68	A bill to amend an act entitled "an act to enable trustees to receive lands and donations, and convey the same, for the use of schools, colleges, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned," approved June 17, 1852.....						
70	A bill to fix the salary of the judges of the supreme court.....	985	308	325			424
71	A bill to amend the 20th and 21st sections of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1852.....	986	305, 346		402		
72	A bill to provide for the compensation of township assessors.....	995	316, 367				
73	A bill giving discretionary powers to executors and administrators in the payment of claims against estates.....	996	317	344	600		701
74	A bill to amend section 3 of an act entitled "an act repealing all former acts of the legislature, except those therein named," approved June 18, 1852, and to transfer to the court of common pleas all indictments for misdemeanors pending in the circuit courts, of this State.....	302	317				
75	A bill to repeal sections 65, 66, 67, 68, 69 and 70, of an act to provide for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, and to prescribe the manner in which claims against the estate of a deceased person shall be filed, and the allowance of the same by the executor or administrator thereof....	302	317, 414, 484	455			
76	A bill relative to replevin bail on judgments in the circuit court and court of common pleas.....	362	317				
77	A bill to amend the first section of an act approved June 18th, 1852, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.....	303	317, 739				
78	A bill further defining the duties of clerk and sheriff of the court of common pleas, in criminal cases, and fixing their compensation.....	303	317, 367				
79	A bill for the distribution of the school funds in the State of Indiana, for the year ending on the fourth Monday in March, 1853, and the duties of school teachers, county auditors and treasurers, relative to the distribution of the same.....	303	318, 536, 594				
80	A bill to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress approved February 12th, 1793.....	303	417				
		312	339, 382, 462	496			

81	A bill to provide for the exemption from taxation of the property of widows and children in certain cases.....	315	339, 340, 583, 712	818	
82	A bill to regulate the permission of foreign insurance companies to establish agencies within this State.....	315	340, 362, 463	463	
83	A bill to amend an act entitled "an act for the support and management of the Indiana Institute for the education of the Blind," approved June 18, 1852; also amendatory of an act entitled "an act to provide for the government and support of the Indiana Institution for the education of the Deaf and Dumb," approved June 14, 1852.....	334	350, 394	395	771, 789 904
84	A bill to prevent the gathering of cranberries on public land in the State of Indiana, before they are ripe.....	335	350, 386	464	727
85	A bill to amend an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.....	338	350, 351, 836		
86	A bill to extend further time for the completion of the several plank, gravel, McAdams and plank road companies in this State.....	338	351, 451, 507		
87	A bill to fix the compensation of the State Printer.....	338	351, 388		
88	A bill prescribing the mode by which persons shall entitle themselves to the benefit of the exemption laws, and the causes by which such exemption shall be deemed waived, and the mode by which the valuation or appraisement laws may be waived.....	339	351, 412		
89	A bill to prohibit the city council of Rising Sun from subscribing stock in any road leading to or from said city, except on the conditions contained in this act.	346	351, 374, 395	395	905
90	A bill to amend the 19th section of an act for the more uniform mode of doing township business, approved May 6, 1852.....	349	377, 425	483	904
91	A bill to raise a revenue for State purposes for the years 1853 and 1854.....	355	377, 803		
92	A bill to amend an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1852.....	355	377, 579		
93	A bill to amend an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.....	361	376, 739		
94	A bill to provide for an addition to the library at the hospital, for the use of the insane.....	366	393	464	
95	A bill to authorize and empower township clerks and township trustees to administer all oaths, when required in doing township business.....	368	393, 426, 488		
96	A bill to amend an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.....	376	393		
97	A bill amendatory of the second section of an act for the incorporation of cities, approved June 18, 1852, and for the more economical mode of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned, of June 18, 1852.....	376	394, 419, 484	484	898 905
98	A bill to authorize the redemption of forfeited congressional school lands by persons who were purchasers thereof, and their assignees, heirs, and legal representatives.	376	394, 863, 919		
99	A bill supplemental to an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848.....	376	394, 657, 731	732	837 929

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
100	A bill to change the times of holding the terms of the common pleas court of the counties of Perry, Spencer and Dubois.....	376	394, 419				
101	A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.....	376	385, 459, 508	508	622		701
102	A bill for the protection of game.....	388	460, 508, 596				
103	A bill supplemental to "an act to provide for a general and uniform system of common schools, school libraries, and matters properly connected therewith," approved June 14, 1852.....	392	460				
104	A bill to authorize the Auditor of State to audit the account of William Potter, and allow him one hundred and fifty dollars for services as prosecuting attorney in the 8th judicial circuit.....	393	461				
105	A bill to abolish the office of State Printer, and to provide for letting out the public printing to the lowest bidder.....	393	461, 746				
106	A bill to supply the omission of words in the revised statutes of 1852.....	393	461, 634, 887	887	934		980
107	A bill to amend section three of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852.....	393	461, 500	526	798		
108	A bill entitled an act to provide for the distribution of the school fund for the year ending the 4th Monday of March, 1853.....	418	467, 471				
109	A bill to amend an act entitled an act to incorporate the Cannelton Steam Mill and Manufacturing Company," approved February 16, 1848, changed to the name of the Troy Manufacturing Company by an act approved January 15, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton.....	419	467, 580	679	837		929
110	A bill to amend the 5th, 6th, 7th and sixteenth sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and to require banks heretofore organized, and which may have commenced operations under the said act, to comply with the provisions of this act.....	422	479, 652, 723, 743, 752	760	903	919, 931, 936, 960	
111	A bill to prevent the betting upon elections, and to punish offenders therefor.....	423	468, 658, 838	873			
112	A bill to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business.....	425	468, 512	512	796		905
113	A bill to provide each common school library in the State with certain books therein named.....	426	468				
114	A bill for the relief of Henry Pettenger, of Delaware county, and prescribing the duties of the auditor of said county in relation thereto.....	440	468, 471, 533, 594	594	798		925
115	A bill amendatory to chapter thirty-six of the code of civil practice.....	443	486, 634	732	798		905

116	A bill touching the relation of guardian and ward.....	443	481, 863	
117	A bill for a more uniform mode of changing county boundaries.....	443	482, 803, 853, 862	
118	A bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852.....	443	482, 714	
119	A bill to amend "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.....	443	482, 519, 536	
120	A bill to provide for the immediate distribution of the revised statutes of 1852, and prescribing when the same shall take effect.....	443	482, 513	
121	A bill to provide for the re-location of county seats, and for the erection of public buildings.....	443	482, 500, 527, 762 889	
122	A bill to compel old bachelors of 30 years of age to act as they should do.....	444	482, 637	
123	A bill to amend the 29th, 30th, and 31st section of an act approved June 14, 1852, entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith,".....	450	504, 540, 585	798
124	A bill to provide for the selection and empanneling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852.....	453	504, 762, 833, 852	595
125	A bill to provide for a geological survey of the State.....	456	504, 558	677
126	A bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State, a certified copy of their articles of association, in lieu of their original articles of association, and legalizing the action of such corporation in that respect where such certified copy has been heretofore so filed in lieu of the original articles of association, and legalizing the action of such corporations in that respect where such certified copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.....	456	505, 692	864
127	A bill to repeal an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18, 1852.....	456	505, 519	
128	A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement.....	456	506, 533	
129	A bill to repeal the 48th and 49th, and amend the 50th section of an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852.....	456	506, 739	
130	A bill to amend an act regulating descents, and the apportionment of estates.....	456	506, 558, 678	798
131	A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.....	456	506, 639	679
132	A bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852.....	471	509, 527, 533	725
133	A bill to provide for the distribution of the school fund for the year ending on the fourth Monday in March, 1853.....	472	510	598
134	A bill to repeal a joint resolution approved February 12, 1848, and abolish the office of State Agent for international literary exchanges.....	477	510	
135	A bill creating the office of Attorney General, and matters properly connected therewith.....			

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
• 136	A bill amendatory of and supplemental to the 64th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to consolidate townships in certain cases for the purposes of assessment.....	477	510, 639				
137	A bill concerning license to vend foreign merchandise.....	477	510				
138	A bill to correct a misprint in the first volume of the Revised Statutes of 1852.....	477	511, 519	551			
139	A bill requiring clerks of the circuit courts and courts of common pleas, to pay the postage on letters inclosing any process or order of those courts, and requiring the clerk of the supreme court to prepay the postage on letters inclosing any process or certified copy of any order, opinion or judgment of that court, and prescribing the mode of their reimbursement.....	477	511	529			
140	A bill to correct and define more correctly the boundary line between the counties of Warrick and Spencer.....	477	511, 546, 596	597	796		928
141	A bill to require the boards of county commissioners to furnish safes for the use of the clerk of circuit and common pleas courts, of their respective counties.....	478	511, 671	750	866		928
142	A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.....	495	511, 547, 609 to 620, 709, 716 } 749				
143	A bill to extend the distribution of the laws of the State of Indiana, to coroners and constables.....	500	522, 672				
144	A bill for the relief of the inhabitants of township twelve north, of range nine west, in Vigo county, Indiana, and providing a receiver for certain school mon- eys belonging to the common school fund of said township.....	503	522, 655	733	799		929
145	A bill to increase the salary of State Librarian.....	503	523				
146	A bill to amend an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith.....	503	523, 537, 766				
147	A bill supplementary to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	504	523, 862				
148	A bill transferring the marriage registry, and matters properly connected therewith, from the clerks of the circuit courts to the county recorders,.....	504	523				



149	A bill authorizing the township trustees in the several townships in this State to administer oaths.....	504	525, 585, 706	706	799	904
150	A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852.....	504	525, 658, 733	734	861	929
151	A bill to provide salaries for prosecuting attorneys, and providing for the manner of paying the same.....	504	525, 685			
152	A bill to pay counsel in certain cases.....	522	550, 635			
153	A bill granting immunity to justices of the peace in certain cases.....	522	551, 656			
154	A bill to amend the fourteenth section of an act entitled "an act providing for the incorporation of bridge companies," approved March 9, 1852.....	522	551, 668	772	861	929
155	A bill in relation to contracts made by agents or attorneys in fact, under powers of attorney, where the name of the principal has not been employed as the party to be charged, and prescribing the effect of such contract.....	522	551, 655, 734			
156	A bill to amend an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, approved March 4th, 1852.....	522	551			
157	A bill to provide for cutting and removing the timber from the reservoir in Gibson county, Indiana, on the line of the Wabash and Erie canal, and for removing the timber from the reservoirs hereafter to be erected on the line of said canal.....	538	580, 656, 658	773	861	929
158	A bill to amend an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.....	539	593, 780			
159	A bill giving common pleas courts concurrent jurisdiction with circuit courts in divorce cases, and complaints for bastardy and surety of the peace.....	539	593, 836, 887	888	934	981
160	A bill to amend section 4 and section 5 of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852.....	545	593, 658	774	864	929
161	A bill suspending the operations of certain sections of an act therein named, for one year.....	550	593			
162	A bill to repeal the 16th, 17th, 18th, 23d, 25th, 26th and 27th sections of an act regulating descents and the apportionment of estates," approved May 14, 1852, and to revive the 4th article of the 28th chapter, and the 140th and 141st sections of the 6th article of the 28th chapter of the Revised Statutes of 1843, and to regulate in certain cases the descent of estates.....	550	593, 739			
163	A bill amendatory of the 66th section of an act providing for the settlement of decedents' estates," approved June 17th, 1852.....	550	593, 634	819	933	980
164	A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois railroad company," approved February 8, 1853.....	550	594, 716			
165	A bill fixing the salary of the chaplain of the State Prison, providing the manner of paying the same, and repealing the 13th clause of the first section of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same," approved June 18, 1852.....	550	594, 741	823	894	929
166	A bill to regulate the taking of appeals from courts of common pleas.....	550	594, 687, 778	809		
167	A bill providing for the admission of certain classes of insane persons into the Indiana Hospital for the Insane.....	561	675, 746, 824			
168	A bill in relation to the salary of the Superintendent of the Indiana Institute for the Blind.....	562	676			

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1006

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
169	A bill supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant." This act to regulate the title of all those who purchased swamp land of the United States after the date of the donation, and before the selection of the swamp lands, and to enable purchasers to purchase forty acre tracts, and to grant pre-emption in certain cases to occupiers of the swamp lands.....	562	676, 774	828	932		980
170	A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased.....	578	676, 738, 764	829	926		981
171	A bill supplemental to an act entitled "an act concerning real property, and the alienation thereof," approved May 6th, 1852.....	578	676, 738, 824	824	894		929
172	A bill providing for the exemption from taxation of the real and personal property of Masonic and Odd Fellows' Lodges to the same extent provided by law in favor of literary, benevolent, charitable and scientific institutions.....	578	676, 740				
173	A bill to repeal part of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.....	578	676				
174	A bill to provide that the stocks of companies, corporations and bodies politic, organized under the laws of this State, whose principal office or president is within the same, shall not be listed by persons holding the same, for taxation, against them in their individual capacity.....	584	792, 779, 896	826			
175	A bill to provide for the postponement of the Marion circuit court during a part of the session of the supreme court.....	592	693	815	894		929
176	A bill to prevent the adulteration and the counterfeiting of ardent spirits and frauds therein.....	592	693, 715, 852	852			
177	A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and the collection of the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, and to provide for the assessment and taxation of bankers, brokers, stockjobbers, banks and banking companies.....	608	808, 852, 877, 934				
178	A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management						

179	thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.....	634	694, 767	769	864	938
180	A bill in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal.....	639	721	774	865	938
181	A bill amendatory of, and supplemental to, an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1853.....	666	700, 777, 781	782	891	938
182	A bill to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same, in pamphlet form.....	666	181	819	894	938
183	A bill to require draw bridge companies to keep lights at night.....	667	181, 742, 824	825	894	938
184	A bill in relation to the construction of bridges over navigable streams, and prescribing the penalty for a violation of the provisions herein set forth.....	669	722, 805	808	934	979
185	A bill to amend an act entitled "an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14, 1853.....	681	722, 877			
186	A bill to authorize turnpike, McAdamized and plank road companies to erect toll gates at a distance not less than two miles apart, and to receive tolls thereat.....	682	722, 820			
187	A bill to prescribe the manner in which school lands holden by certificate of purchase, and not paid out, shall be listed for taxation.....	682	723, 780			
188	A bill to authorize clerks of circuit courts and common pleas courts to administer oaths required under the laws of the State of Indiana.....	682	724, 738, 825			
189	A bill providing for the sale of the southwest quarter of square number twenty-five (25) in the city of Indianapolis, on which there is a lease to the trustees of the Marion county seminary yet unexpired of ten years.....	682	724			
190	A bill concerning defective records.....	682	724, 837			
191	A bill amendatory to chapter 4 of the code of civil practice.....	682	724, 837			
192	A bill to amend sections 34 and 35 of chapter 108, of the Revised Statutes of Indiana of 1852.....	682	724	820		
193	A bill authorizing the Governor to sell, at public auction, the State's interest in the White Water Valley canal.....	683	724, 806			
194	A bill authorizing the Secretary of State to collect and publish all laws remaining in force and not included in the Revised Statutes of 1852.....	683	724, 834			
195	A bill for the distribution of the Statutes of 1852.....	683	724, 863			
196	A bill to repeal an act entitled "an act to regulate the sale of spirituous liquors in the county of Tippecanoe, approved February 13, 1831....."	683	724, 820	820		
197	A bill to amend an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852.....	690				
198	A bill amendatory of an act entitled "an act to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground," approved April 28, 1852.....	691	724, 820	821		
199	A bill to re-attach certain territory heretofore attached to the county of Laporte, originally within the limits of the county of Starks, to said last named county.....	691	724, 845			
200	A bill to relocate the seat of justice of Pike county.....	691	725			
201	A bill supplemental to an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.....	691	725	825		
	A bill supplemental to an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1853.....	691	726			

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1008

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
202	A bill to amend section 1 of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies of mechanical, chemical and building purposes approved May 20, 1852."	691	726	821	894		929
203	A bill to provide for the election of a physician to the asylums for the blind and the deaf and dumb, fixing his compensation and defining his duties.	691	726				
204	A bill to provide for the distribution of the township laws.	704	705	705	706		905
205	A bill creating and regulating tenancies by the courtesy and in dower, and prescribing the rule of descent where the intestate dies leaving a widow or widower and no issue, and providing for infant children where the dower or estate is not sufficient beyond the sustenance of the widow for their maintenance and education, and repealing sections 16, 17, 18, 22, 23, 29, 30 and 31, of an act entitled "an act regulating descents, and the apportionment of estates," approved May 14th, 1852, and modifying sections 25 and 26 of said act.						
206	A bill to regulate the assignment of dower.	714	770, 796, 800, 807	807	902	932	989
207	A bill to amend the charter of the Evansville and Illinois railroad company.	715	772, 830				
208	A bill to prevent railroad companies from changing their depots, except on conditions therein named.	721	816	871	933		980
209	A bill relative to the establishment of ferries.	721	816, 844	844	902		938
210	A bill for the relief of Robert W. Dunbar.	721	816, 863				
211	A bill to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto.	721	817, 891				
212	A bill to regulate the practice of physic and surgery within the State of Indiana.	735	817, 871, 881, 898	898	932		
213	A bill to authorize and request the Governor to exchange the Revised Statutes, laws, documentary journals and reports of the supreme courts of this State, with those of the other States of the Union.	747	822, 863				
214	A bill for the distribution of the census reports of 1840 and 1850 to the counties.	748	822	872	933		981
215	A bill authorizing the State Librarian to make out a proper classified catalogue of the books, papers, &c., in the State Library.	748	822	873	934		980
216	An act to amend an act entitled "an act to incorporate the town of Plymouth, Marshall county, Indiana, to extend the limits of said town to outlots for purposes of taxation, to require non-residents to pay a license for selling at private sale goods, wares or merchandise in said town, to empower the president and trustees of said town to order a re-survey of streets, alleys and drains in said	748	822, 873				

217	town, to allow fifty per cent. damage upon sales of property delinquent for non-payment of taxes.....	827, 874	916
218	A bill repealing the laws in force local to Fulton county, giving exclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county the laws relating to the jurisdiction and punishment of such misdemeanors as contained in the Revised Statutes of 1852.....	827, 875	875
219	A bill making general appropriations for the years 1853 and 1854.....	831, 861, 867, 890	891
220	A bill to raise a revenue for State purposes for the years 1853 and 1854.....	831, 878, 955	938
221	A bill fixing the times of holding the circuit courts in the fifth judicial circuit.....	831, 843, 847, 858	932
222	A bill to amend the charter of the Lawrenceburgh and Upper Mississippi railroad company.....	878	934
223	A bill making specific appropriations for the year 1853.....	879	934
224	An act to explain an act entitled "an act authorizing railroad companies to consolidate their stock with the stock of railroad companies in this or in the adjoining States, and to connect their roads with roads of said companies, and to authorize railroad companies to connect their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23, 1853.....	839, 853, 885, 889	935
225	An act to repeal an act entitled "an act to locate a State road in the counties of Clay and Owen," approved February 8, 1848.....	886	933
		930	930

# JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed.		Other proceedings.	Approved.
				House.	Senate.		
1	A joint resolution to correct the abuse of the franking privilege.....	106	128, 134				
2	A joint resolution to encourage home manufactures.....	112	128, 162, 250				
3	A joint resolution relative to granting public lands to actual settlers.....	114	128, 149	150			
4	A joint resolution on the subject of temperance.....	124					
5	A joint resolution in reference to the soldiers of the War of 1812, and their heirs.....	127	134, 161	161			
6	A joint resolution in reference to obtaining permission of the State of Illinois to open the falls and straighten the channel of the Kankakee river above said falls: approved January 21, 1853.....	127	134	141	175		209
7	A joint resolution asking a grant of lands to aid in support of Indiana Asylums for the Insane, Blind, and Deaf and Dumb.....	140	152, 153				
8	A joint resolution to instruct our Senators and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers.....	140	154	172	222		268
9	A joint resolution relative to constructive mileage.....	140	154	172			
10	A joint resolution asking of Congress a grant of land to the State of Indiana, to aid in the construction of a railroad leading from Evansville to Crawfordsville.....	153	170, 171				
11	A joint resolution asking Congress to pass a law, allowing the State of Indiana to tax all lands that may or have passed from the General Government, lying in said State for school and other purposes.....	169	168, 215				
12	A joint resolution asking Congress to pass a law authorizing members of the General Assembly to indorse their names on newspapers and public documents, mailed at the capital for their constituents.....	169	188				
13	A joint resolution asking of Congress a grant of one-half of the unappropriated lands in the Vincennes land district, to aid in the construction of a railroad, connecting Evansville with Indianapolis.....	184	203				
14	A joint resolution asking of Congress a grant to the State of Indiana, of one-half of the unappropriated government lands in the Vincennes land district to aid in the construction of a railroad leading from Evansville to Crawfordsville.....	184	202, 203, 220, 221, 237, 238				
15	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act for the relief of John Linsey and James Elliott.....	184	204, 249	288	402		424
16	A joint resolution for the purpose of obtaining from the General Government a grant of a portion of the unsold lands in the Vincennes land district, to aid in the construction of a railroad from Troy, in Perry county, Indiana, to Greencastle, in Putnam county, in the same State.....	186	204, 333				
17	A joint resolution asking of Congress a grant of all unsold lands in the State of Indiana, for the use of common schools.....	217	240	256	314		

18	A joint resolution asking a donation of lands from the General Government to aid in the completion of the Columbus, Nashville and Bloomington Plank Road, the dividends arising from the proceeds thereof, to be appropriated to the common school fund of this State.....	230	256, 277		
19	A joint resolution asking an appropriation for the improvement of the Michigan City Harbot.....	292	316	345	478
20	A joint resolution relating to constructing a canal around the Falls of the Ohio River.....	296	325	345	478
21	A joint resolution instructing our Senators and requesting our Representatives in Congress to procure a site for a National Almshouse at Indianapolis.....	347	351		
22	A joint resolution in regard to the distribution of public documents.....	376	395, 485		
23	A joint resolution in regard to the three per cent. fund due Indiana from the General Government.....	376	396, 672		
24	A joint resolution instructing our Senators, and requesting our Representatives to procure the passage of a law, granting lands to construct a railroad from some point on the western line of the State of Missouri or Iowa, west of the Pacific Ocean, also the right of way from this starting point eastward to the Atlantic.....	442	461		
25	A joint resolution in relation to the repeal of the franking privilege.....	472	513, 552		
26	A joint resolution in regard to criminal prosecutions against the Trustees of the Wash and Erie Canal.....	499	552, 572		
27	A joint resolution in relation to a proviso contained in an act of Congress, approved September 28, 1852.....	577	577		
28	A joint resolution in relation to Mr. J. S. Brown, late superintendent of the Institution for the education of the deaf and dumb in the State of Indiana.....	578	677		
29	A joint resolution in regard to the industrial exhibition to be held in New York in May next, and in New Orleans in February, 1854.....	752	823, 883	884	933

## BILLS OF THE SENATE.

Number.	TITLE.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
1	An act to transfer the business pending in the probate court to the courts of common pleas....	42	42, 53, 54, 63, 64	64	100, 120
5	An act to create the 11th judicial circuit, and to fix the time of holding courts therein.....	173	187, 196, 197	197	
6	An act requiring county treasurers to keep their offices in fire proof buildings, where the same has been provided by the county board.....	175	188	209	
7	An act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this, or in an adjoining State, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed.....				
8	An act to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest.....	402	461, 502, 559 (188, 262, 281, 315, 316, 338-9 380, 514	602	621
11	An act to correct errors in the sale of school lands.....	174	210	517	
12	An act to authorize foreign guardians to sell the real estate of their wards in this State.....	210	218, 692		
13	An act to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13, 1852.....	210	218, 415	486	
14	An act to prevent the forfeiture of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporated company in this State.....	210	218, 248	287	302
15	An act extending the admissibility of records in evidence.....	210	218, 257, 259, 291	293	304
17	An act to amend an act regulating the duties and election of State Librarian, approved May 27, 1852.....	242	256, 413, 548		
18	An act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State.....	305	318, 386		
19	An act for the better regulation of telegraph companies, and legalizing their former acts.....	242	256, 310, 311, 369, 371, 399, 707	708	770
20	A bill to amend sections 20, 24, 31 and 32, of an act entitled "an act to provide for the opening, vacation and change of highways," approved June 17, 1852.....	304	304, 318, 364, 400, 699, 783	784	
21	An act providing for a uniform system of establishing county lines, and locating permanently the corners thereof.....	599	700, 764, 830	879	
25	An act to amend an act therein mentioned.....	257	273, 424, 494		
26	An act to preserve and restore the records of the supreme court.....	304	319, 635	731	
29	An act to enable aliens to take upon certain conditions real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto.....	257	273, 383, 533		
30	An act to authorize guardians, executors and administrators, to lay off the real estate of their	811	847, 899		



31	wards and decedents into town lots, and to dedicate streets, alleys and squares, to public use, when so ordered by the proper courts.....	326	340, 416, 494	495
32	An act to repeal sections 36 and 37 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.....	353	377, 660, 689	600
33	An act to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20, 1852.....	326	340, 532	497
34	An act to amend section 3 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	379	396, 416	466
35	An act to provide for the punishment of persons guilty of counseling and advising, aiding and abetting in this State, in the perpetration, or attempt to perpetrate an offense in another State, which by the laws of this State shall be a felony.....	811	847, 924	924
36	An act providing for serving process upon the officers, directors, attorneys or agents of any railroad company.....	326	340, 385	633
37	An act to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.....	353	377, 412	883
38	A bill giving circuit courts jurisdiction in all cases of misdemeanors pending before the Revised Code of 1852 shall take effect.....	380	396, 478, 669, 807, 882	935
39	An act to appoint J. W. Cummins an agent to proceed to Washington City, and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana, with the general government, and procure the additional sum or sums of money that may accrue to the State of Indiana thereby, placed to the credit of the State upon the books of the General Government, and also to provide for the compensation therefor.....	459	506, 559, 604, 636	883
40	An act to repeal part of the first section of an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio river railroad company.....	379	396	495
41	An act directing how and when stocks belonging to a decedent's estate shall be sold and distributed.....	379	396, 416	495
42	An act to amend the third section of an act entitled "an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1, 1852.....	728	817	777
43	An act to repeal certain acts therein named.....	458	473, 505, 609, 708, 779	808
44	An act to amend the 5th, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, and to further amend said act by a supplemental section thereto, regulating the business of general banking, and defining the duties and powers, and regulating the duties of the Auditor in connection with the business of general banking.....	458	506, 584, 706	707
45	An act to authorize and regulate suits against the State.....	459	507, 538	600
46	An act to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.....	459	507, 586	708
47	An act to amend section 1 and section 12, of an act entitled "an act to authorize the construction of levees and drains....."	459	507, 688	815
48	An act to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.....	459	507, 534	601
49	An act to change the time of holding circuit courts in the second judicial circuit.....	479	512, 534	601
50	An act to amend the fourth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.....			
51	An act to repeal section 3 of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved May 13, 1852.....			

# BILLS OF THE SENATE—Continued.

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Number.	TITLE.	Reported from Senate.	Proceedings before passage.		Passed House.	Other proceedings.
64	A bill providing for the asserting of the rights of the State to escheated estates, and regulating the sale thereof.....	681	729, 862			
65	An act to amend the 1st, 2d and 3d sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards," approved May 13, 1852.....	479	512, 518, 553		554	
66	A bill to enable turnpike companies, heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads.....	599	683, 730		730	
67	An act authorizing justices of the peace to issue subpoenas for witnesses to adjoining counties and fixing their fees.....	514	525, 685		816	
68	An act to fix the price of the Indiana Reports.....	599	700, 740, 827			
69	An act to amend an act to provide for the incorporation of railroad companies, approved May 11, 1852.....	728	863			
70	An act relative to loaning the common school fund.....	599	700, 847			
72	An act requiring county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.....	680	729, 780		832	
73	A bill to amend the 17th section of an act entitled "an act prescribing who may make a will and the effect thereof; what may be devised; regulating the revocation, admission to probate, and contest thereof....."	681	729, 740, 817		837	
75	An act to authorize county treasurers to sell delinquent lands in certain cases, to the highest bidder.....	728	817		881	
77	A bill to provide for the election, fixing the compensation, and prescribing the duties of attorney general for the State of Indiana.....	851	823			
78	An act to amend section 95 of "an act to provide for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.....	728	729, 836, 888		888	
81	An act to amend section 36 of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof, approved May 31, 1852.....	811	812, 848, 889		908	
82	An act to amend the 4th, 5th, 27th, 37th, 47th, 49th, 53d, 58th, 67th, 81st, 540th and 799th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	681	729, 805, 835		892	

83	An act authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining the duties and fixing the compensation of such master commissioners.....	681	730, 762, 830	831
85	An act to provide for the investing of the common school fund in the bonds of the State of Indiana.....	811	812, 847	832
89	An act to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.....	680	726, 783	
92	An act to authorize and require clerks of the court of common pleas, in all cases where the proper record books have not been provided in time for the January term of said court, for the year 1853, to transcribe from the original record to the new record books, when provided, and to legalize the same.....	811	812, 848	960
94	An act repealing an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.....	963	964, 968	
95	An act fixing the salary of the private secretary of the Governor.....	680	726, 914	
96	An act amendatory and supplemental to an act entitled "an act to incorporate the Indiana Cotton Mills," approved February 13, 1848.....	681	726, 742	742
98	An act fixing the time of holding circuit courts in the 8th judicial circuit.....	865	921	922
99	An act giving the court of common pleas jurisdiction to hear and determine application for divorce.....	680	727, 737	933, 957
100	An act to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852.....	811	849	
102	An act fixing the time of holding courts of common pleas and the length of the terms thereof in the several counties of this State.....	865	914	
103	A bill to increase the salary and the amount of the bond of State Librarian.....	751	823	
105	An act giving to the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over.....	811	849	917
106	A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.....	751	784, 790	792
108	An act to repeal certain sections of the law incorporating the town of Cleveland in Hancock county.....	811	688	925
109	A bill to authorize Railroad companies to change their names.....	678		
111	An act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency.....	751	817, 873	873
115	An act declaring what property shall be exempt from execution on contracts made previous to the 4th day of July, 1852, and regulating the manner of claiming the same, by the execution debtor.....	811	812, 849, 896	
117	An act to provide for the speedy determination by the Supreme Court of the constitutionality of any law of this State.....	811	812, 849	
118	An act authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof.....	811	812	880
120	An act granting the right of way to the Ohio and Indianapolis Railroad Company, to construct a road through the grounds of the State surrounding the Asylum for the Deaf and Dumb.....	812	812, 849, 916	917
122	An act fixing the time of holding courts in the third judicial circuit.....	814	851	
123	An act to amend section 13, chapter 1, part 4, vol. 2, of the Revised Statutes of 1852, of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.....	814	851	959

# BILLS OF THE SENATE—Continued.

Number.	TITLE.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
125	An act to amend an act entitled "an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any circuit, probate, commissioner's, or other inferior court of record therein or filed with, or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12, 1852.	814	851		
128	An act to repeal part of an act entitled "an act to provide for equalizing the apportionment for taxation of the real property of the State of Indiana," approved May 28, 1852.	865			
132	An act declaring when the acts of the last and present session of the General Assembly shall take effect.	865			
133	An act authorizing the pendency of a suit in another State, to be plead in abatement in this State, in cases therein named, and providing what effect shall be given to certain judgments rendered in another State.	866			
135	An act to amend sections 1. 4 and 23 of an act entitled "an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana," approved January 15, 1852.	867			
136	An act to regulate the crossing of public highways, and private roads by railroads.	866			
137	An act prescribing the manner of reporting to the General Assembly, by the Superintendents of the Hospital for the Insane, the Institute for the Education of the Blind, and the Asylum for the Deaf and Dumb.	900			
139	An act to amend an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.	901			
140	An act to provide for the printing, binding and distribution of the laws of the present session of the General Assembly.	901	922	923	

## JOINT RESOLUTIONS OF THE SENATE.

Number.	TITLE.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
4	A joint resolution relative to the right of way.....	359	377, 419	467	
5	A joint resolution in relation to the harbor at Michigan City.....	189	204, 292		
6	A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario with Lake Erie.....	325	326, 340, 427	497	
8	A joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana for the use of a seminary of learning.....	444	465, 473, 474	474	
9	A joint resolution relative to granting pensions to widows and orphans.....	514	530, 583	709	

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## BLACKFORD, ISAAC—

Elected one of the Trustees of the Institute for the Education of the Blind..... 913

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## BOWES, WILLIAM R.—

Elected Principal Clerk..... 6  
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## BRECOUNT, GIDEON—

Appeared and was qualified..... 4  
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## BRIDGES, DILLON—

Appeared and was qualified..... 7  
 Petition by..... 582  
 Reports by..... 62, 162, 334, 669  
 Resolutions by..... 60, 216, 328 501, 520  
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 Motions by..... 290, 768, 810

## BROTHWELL, JOHN F.—

Appeared and was qualified..... 4  
 Petitions by..... 359, 518, 605  
 Reports by..... 263  
 Resolutions by..... 216  
 Motions by..... 129, 387, 766

## BROWN, ELI—

Appeared and was qualified..... 4  
 Petitions by..... 87, 309, 327, 404, 446, 518  
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 Motions by..... 127, 267, 599, 682, 761, 892, 939  
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## BROWN, W. J.—

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## BROWN, AUSTIN H.—

Elected State Printer..... 111

## BUELL, GEORGE P.—

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Appeared and was qualified.....	5
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**CARR, J. F.—**

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**CATLIN, HIRAM W.—**

Appeared and was qualified.....	4
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**CHAPIN, ASA F.—**

Appeared and was qualified.....	5
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**CLARK, ELIJAH—**

Appeared and was qualified.....	4
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Samuel S. Crowe elected.....	7
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## COOK, J. H.—

Elected one of the Trustees of the Institute for the education of the Blind.....	913
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## GOOPER, HORATIO C.—

Appeared and was qualified.....	4
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## CROWE, SAMUEL S.—

Elected assistant clerk.....	7
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## DODD, HAZLETT E.—

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## DONALD, ALEXANDER C.—

Appeared and was qualified.....	4
Petitions by..... 129, 268, 276, 605,	634
Reports by..... 186, 333, 499, 539,	667
Resolutions by..... 80, 91, 126,	199
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Bills by.....	230, 477, 538
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## DONELSON, SAMUEL—

Appeared and was qualified.....	5
Petitions by.....	78, 406
Reports by..... 291, 296, 427,	472
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Motions by..... 52, 61, 62, 134, 153, 221, 237, 309, 318, 353, 480, 552, 560, 710, 813, 831,	879

## DOORKEEPER—

J. J. Barrett elected.....	8
Communications from.....	71, 98
Vote of thanks to.....	899

## DRAKE, JAMES P.—

Elected one of the trustees of the Institution for the education of the Deaf and Dumb,	911
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## DRULEY, NICHOLAS—

Appeared and was qualified.....	5
Petitions by.....	403, 582
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**DUFOR, OLIVER—**

Appeared and was qualified.....	5
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	863, 955, 956
Resolutions by.....	8, 78, 83, 91, 146, 229, 717, 720, 846
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**DUMONT, EBENEZER—**

Elected President of the State Bank.....	106
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**DUNLAVEY, DANIEL—**

Appeared and was qualified.....	3
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Reports by.....	321
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Appeared and was qualified.....	3
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**DYER, ALFRED—**

Appeared and was qualified.....	4
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Motions by.....	930
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**ELLIS, E. W. H.—**

Elected one of the Trustees of the Institute for the Education of the Blind.....	913
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**EMERY, PETER—**

Appeared and was qualified.....	4
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## FARNSLEY, JOSHUA P.—

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## FERRIS, JAMES S.—

Appeared and was qualified.....	4
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## FREELAND, JOHN P.—

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Appeared and was qualified.....	4
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Appeared and was qualified.....	5
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## GOOTEE, THOMAS—

Appeared and was qualified.....	4
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In regard to the financial condition of the institution for the Deaf and Dumb and the Institute for the Blind.....	McClure		146
Relative to amending the assessment law.....	Dufour	146	146
Restricting the time of leave of absence to members.....	Seawright	146	146
In relation to adopting minors as heirs at law.....	Underwood	147	147
As to the expediency of changing the 105th section of an act for the settlement of decedent's estates.....	Hendricks		150
To take from the files bill No. 292 of the session of 1851-2.....	Underwood		151
Calling upon the Auditor of State for the estimate of the amount of the perquisites of his office for the next two years.....	Price		151
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In relation to reducing amount of the allowance of the Superintendent of public instruction, for traveling postage, stationery, &c.....	Johnson		151
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In relation to the jurisdiction of justices of the peace.....	153	Hicks	193
Relative to amending the railroad law.....	153	Henry	
To provide that assessors take down the number of live stock.....	153	Steele	163
To print the report of the Superintendent of public instruction in the English and German languages.....	163	Fleming	
That a bill be reported in accordance with section 4, article 4, of the constitution.....	163	Jones of Riple	
Relative to a lien of laborers upon property.....	163	Orr	164, 166, 181, 183
In relation to the clerk of the committee of Ways and Means.....	166	Graham	
Relative to paying the public debt.....	166	Hamrick	167
Relative to amending the execution law.....	167	Hicks	
Expediency of suspending the privilege of creating new banks.....	167	Gootee	
In relation to taxing the Wabash and Erie Canal.....	167	Jones of Jennings	167
In relation to reducing the pay of members of the Legislature.....	167	Lincs	
Relative to authorizing county boards to levy a road tax.....	167	Sutton	
Relative to fining for riding or driving over a bridge faster than a walk.....	168	Ryan	
In relation to crime and punishment.....	168	Lowe	
In relation to changing the school law.....	168	Dodd	
Relative to the expense transporting criminals who are fugitives from justice.....	168	Stockwell	
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Relative to the purchase of swamp lands.....	168	Hooper	163
Relative to amending the school law.....	174	Seawright	
In relation to the fees of recorders.....	179	Hicks	
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In relation to the time of residence necessary to gain a settlement.....	198	Clark	
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Relative to township assessors returning the number of blind and mutes of their respective townships.....	199	Seawright	
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Inquiry respecting the law of decedents' estates.....	199	Scott	
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Relative to diminishing the width of the Michigan road.....	215	Honelson			215
Relative to amending the general banking law.....	216	Scott			216
In relation to repealing laws for licensing the sale of liquors.....	216	Hairmond			216
In relation to fencing the Tippecanoe battle ground.....	216	Chapin			216
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To furnish members and officers of the House with the debates of the Convention.....	216	Brothwell		216	216
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Relative to impannelling jurors in courts of common pleas.....	228	Durham			228
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In relation to fees and salaries.....	228	Simpson			228
Relative to dividing townships for civil purposes.....	228	Work			228
In relation to the compensation of township trustees.....	229	Clark			229
Relative to banks.....	229	Dufour			229
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In relation to the Wabash College.....	229	McDonald of Lake			229
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In relation to making the State responsible for costs in all cases.....	251	Parker			251
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✓ In relation to abolishing license laws.....	265	Ferris	
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Relative to repealing certain sections in an act providing for the settlement of decedents' estates.....	265	Moss	
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In relation to the law in regard to constables.....	280	Hicks	
In relation to coroners.....	280	Clark	
Relative to granting to each county library a copy of the journals and laws.....	280	Thomas	
Relative to the construction of section 29, article 4, of the constitution.....	280	Farnsley	
As to exempting from taxation all lands held by any college.....	280	Wilson	
Relative to transferring insane persons from the penitentiary to the Insane Hospital.....	280	Buell	
In relation to landlords and tenants.....	280	Cooper	
Relative to exempting certain persons from military duty.....	281	Steele	281
In relation to the assessment law.....	285	Richardson	
Relative to McAdamized, plank or gravel roads.....	297	Sea Wright	
On the subject of the sale of lands and lots forfeited for the non-payment of taxes.....	298	Spencer	298
In relation to the school fund.....	298	Dunlavy	
To print the report of the Auditor of State in relation to the Agent of State, in connection with that of the Governor on the same subject.....	298	Buell	
Relative to persons holding the office of clerk and auditor under the old constitution and their right to continue to hold both offices.....	298	McKee	
In relation to the provisions of an act to provide for the settlement of decedents' estates.....	298	Pratt	
In relation to courts of conciliation.....	299	Orr	
Inquiring whether negroes and Indians are required to pay a school tax under the laws of 1852.....	299	Moss	
Relative to repealing the militia law.....	299	Hamrick	
To authorize, by law, the president and clerk of the board of township trustees to administer oaths.....	299	Burnett	
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To appoint a committee to take into consideration the subject of taxation, and paying the State debt.....	301	Cooper	301
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To adjourn over.....	301	Bundy	301
In relation to a free bank at Newport.....	319	Buell	
Designating the kind of bonds to be taken as security for banking.....	319	Orr	
Calling on the Treasurer of State for information as to the amount of swamp lands donated to the State.....	336	Walker of Laporte	
Relative to schools and building school houses.....	336	Clark	
To adjourn <i>sine die</i> .....	336	Jennings	336
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In relation to the duties of coroners.....	Lewis		337
In regard to an increase of the library for the insane.....	Jyer		337
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To print Mr. Bolton's lecture.....	Hicks	347	
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Directing a select committee to report back the bill to repeal the general banking law.....	Gootke		347
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In relation to protecting laborers and contractors on public works.....	Struble		349
Relative to county and township officers being entitled to the Revised Statutes.....	Orr		349
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In relation to filling vacancies in the board of county commissioners.....	Hodd		349
Relative to amending the road law.....	Handy	350	
Relative to furnishing justices of the peace with certain law books.....	Simpson	350	
To compel certain corporations to pay their taxes.....	Jones of Jennings		350
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In relation to the settlement of estates.....	Seawright		360
To discharge the committee on Banks from the further consideration of the bill to repeal the general banking law.....	Hicks	373	
Relative to attaching debts or moneys in the hands of third persons.....	Seawright		374
Relative to exempting certain persons from paying a school tax.....	Orr		374
In relation to the term of township officers.....	Dyer		375
Calling upon the Governor for a report relative to the three per cent. fund.....	Farnsley		375
Directing the committee on Banks to report a bill.....	Hicks		375
To repair gas pipes in the House.....	Maxfield		375
In relation to the settlement of county auditors and treasurers.....	Walker of Laporte		375
In relation to changing the places of holding elections.....	McDonnell of Sullivan		375
Directing the committee of ways and means to report.....	Underwood	380	
Relative to the change of names.....	Hicks		390
In relation to the settlement of decedents' estates.....	Dallard		391
Expediency of providing a font of type and press for the Institution for the Education of the Deaf and Dumb.....	Walker of Laporte		391
Relative to the compensation of executors and administrators.....	Shuman		391

Fees of prosecuting attorneys.....	391	Chapin	391
In relation to the education of the deaf, dumb and blind.....	391	Hicks	392
In relation to felonies.....	391	Orr	392
Relative to the clerk of the Judiciary committee.....	392	Lennon	392
Relative to abolishing courts of common pleas.....	392	Jones of Jennings	392
Relative to descents.....	392	Ferguson	392
Directing the clerk to preserve the papers and documents of absent members.....	393	Ca Wright	393
In relation to refunding to colored persons taxes assessed against them for school purposes.....	398	Dodd	398
Authorizing the clerk to sign the names of members to certain applications for office.....	399	Walker of Laporte	399
To adjourn over.....	401	McDonald of Lake	401
In relation to absentees.....	403	Hicks	403
Calling upon the State Librarian for certain information relative to the claim of Alexander Vattermere.....	404	Henry	404
To take the Temperance Chart.....	404	Alroy	404
In relation to the duties of auditors.....	404	Penner	404
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In relation to teaching the deaf and dumb.....	441	Lines	442
In relation to the hills of the Union plank road company.....	441	Maxfield	442
In relation to the fees of county auditors.....	442	Underwood	442
Calling upon the Auditor of State for information in relation to his fees, &c.....	442	Maxfield	442
To tender to Winchell and Nichols.....	442	Sea Wright	442
Relative to the construction of section 29, of article 4, of the constitution.....	442	Stockwell	442
To distribute the report of the Superintendent of Public Instruction.....	442	Walker of Laporte	442
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In relation to the duties of coroner.....	455	Peckenpaugh	455
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Relative to the charter of the Central plank road company.....	475	Clinton	475
Fixing the time of the meeting of the House.....	475	Lowie	475
Exempting ministers from working on roads.....	475	Jones of Jennings	475
In relation to the assessment of taxes.....	475	Lennon	475
In relation to the distribution of the Revised Statutes.....	475	Steele	475
To require recorders to keep an index.....	475	Shoemaker	475
Calling upon the Auditor of State for the amount of money paid for attorney's fees.....	475	Hicks	475
To take from the table and refer certain reports.....	476	Underwood	476
Inquiring as to the amount of postage on papers and documents sent by members.....	476	McClure	476
Relative to prohibiting judges from practicing before justices of the peace.....	476	Orr	476
Relative to appeals.....	476	Pratt	476
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Relative to abolishing the office of township school trustees.....	476	Shelby	476

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SUBJECT MATTER OF.		Introduced.	NOVERS'S NAMES.	Proceedings thereon.	Adopted.
That each member of the House be entitled to a copy of the Revised Statutes of 1852.		531	Hicks		501
Calling upon the Secretary of State for certain information.		501	Henry		501
Tendering thanks to Hon. Alexander McDonald.		501	Jones of Jennings	501	
In relation to the duties of guardian and ward.		501	Dyer		501
Inquiring into the constitutionality of certain sections of law.		501	Bridges		501
In relation to swamp lands.		502	Turpie		502
Inquiring whether the Secretary of State is not entitled to pay for enrolling.		502	McClure		502
Inquiring whether certain provisions do not conflict.		502	Lennon		502
In relation to the double issue of scrip.		502	Hooper		502
In relation to the law of descents.		503	Cooper		503
In relation to amending the law of descents.		503	Moss		503
Directing the Principal Clerk to examine bills and acts and report.		530	Manville		530
In relation to the sale of lands belonging to the surplus revenue fund.		530	Dyer		530
Relative to appeals.		530	Bridges		530
Relative to deducting indebtedness.		530	Spencer		530
In relation to emergency clauses.		530	Turpie		530
Relative to school tax.		530	Ferris	530	
Directing committee to report back House bill No. 64.		531	Shuman	531	
Calling upon the Auditor of State for certain information relative to applications to establish Banks.		531	Howell		532
To adjourn over.		535	McDonald of Lake		535
In relation to the fees of witnesses in the case of State vs. Moon.		536	Parker	770	
Calling upon the Auditor of State for information relative to Banks.		546	Pratt		536
Relative to incorporation of canal companies.		546	Lowe		546
Relative to the excessive issue of Treasury notes.		546	Manville		546
Relative to inclosing the grounds of the Governor's Circle.		547	Hamrick		547
To discharge the committee on the Judiciary from the consideration of a resolution to abolish the office of Agent of State.		547	McDonald of Lake		547
To regulate the clock and amend the journal.		547	McCormick		547
Calling upon the Secretary of State for information in regard to the distribution of the Revised Statutes.		547	Pratt		547
Calling upon the Agent of the Colonization Society for certain information.		547	Read		547
To adjourn <i>sine die</i> .		549	Ryan	549	
To ascertain whether certain sections do not conflict.		549	Spencer		549
In regard to the distribution of the school fund.		549	Rockafellar		549
To clear the lobby of Senators.		554	Turpie	554	
In relation to the graduation of the price of swamp lands.		563	Seavright	563	
Relative to swamp lands.		572	Johnson	273	



In relation to banks.....	573	Hicks	573
Relative to the settlement of decedents' estates.....	573	Stockwell	573
To adjourn <i>sine die</i> .....	576	Maxfield	576
To change the hour of meeting.....	576	Milroy	576
In relation to the settlement of decedents' estates.....	577	St. ckwell	577
In relation to the settlement of decedents' estates.....	577	Cooper	577
To furnish each member with the 2d volume of the Revised Statutes.....	589	Manville	
In relation to banks depositing stocks.....	590	McDonald of Lake	
Inviting the Senate to attend in the Hall of the House.....	590	Richardson	
In relation to appeals from the decisions of township trustees.....	591	Orr	
Authorizing the committee on State Prison to send for persons to testify.....	591	Durham	
Extension of the term of office of mayor.....	591	Goodman	
That committee on Banks report back House bill No. 64.....	591	Freeland	
Relative to guardian and ward.....	592	Scott	
Relative to supplying township libraries with Webster's Unabridged Dictionary.....	592	Hooper	592
Prescribing the time of proceeding to the orders of the day.....	598	Graham	
To clear the lobbies of Senators.....	621	Bonelson	621
To adjourn over.....	628	Moss	
Directing the Principal clerk to make out a synopsis of acts.....	628	Lowe	
In relation to the improvement of roads.....	672	Orr	
To furnish each State officer with copies of bills and documents.....	672	Buell	
Tendering the use of the Hall to Rev. J. A. McClung.....	672	Price	672
In relation to the constitutionality of consolidating the congressional township school fund.....	673	Driley	
In relation to the re-admission of incurable cases of insanity into the Hospital for the Insane.....	673	Thomas	673
That the House remain in session each day until the files are cleared.....	673	Seawright	
In relation to allowing judges of circuit courts to condense the time of holding courts.....	673	Cooper	673
To hold night sessions.....	673	Laird	673
That the House meet at half past 8 o'clock.....	673	Farnsley	
In relation to the rights of widows whose husbands die intestate.....	674	Pratt	674
To prevent the introduction of new business.....	683	McDonald of Lake	683
Relative to lighting the Deaf and Dumb Asylum with gas.....	689	Seawright	
That the House meet at 1 o'clock each day.....	689	Lincs	
In relation to bills reported back from committees.....	689	Laird	689
That resolutions be offered on Saturday only.....	691	Graham	689
Tendering the use of the Hall to Rev. J. A. McClung.....	691	Price	
To adjourn.....	702	Hicks	702
To furnish each member of the House with a copy of the Revised Statutes with every fourth leaf blank.....	717	Moss	
To prevent the introduction of bills after a certain day.....	717	Able	
Relative to an appropriation for colonization.....	717	Dufour	718
Directing committee to report back a bill repealing the general banking law.....	718	Hicks	
Relative to an enumeration of the militia.....	719	Steele	
In relation to the incorporation of joint stock companies.....	719	Walker of Laporte	
To furnish each member with copy of the Revised Statutes.....	719	Underwood	
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To take from the table House bill No. 64.....	720	Dufour	
That the House meet at 8 o'clock, A. M.....	720	Lowe	720
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In relation to regulating the clock.....	726	Walker of Laporte	736
To prevent judges of courts of common pleas from practicing in certain courts.....	731	Dyer	731

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In relation to the mileage of members.....	808	Burnett			822
Directing the clerk of the House to prepare and publish a list of the titles of acts.....	822	Shelby			825
In relation to the State Prison.....	825	Lanes			846
Fixing a time to elect commissioners for the Hospital for the Insane.....	846	Dufour			846
Allowing the clerks of the House a copy each of the laws and journals.....	846	Orr			
That the House meet at 8 o'clock, A. M.....	846	Richardson	846		
To report back the general appropriation bill immediately.....	846	Seawright			846
Fixing a time to elect Trustees of the Institutions for the Deaf and Dumb, and for the Blind.....	847	Underwood			847
In relation to Revised Statutes taken from the desks of members.....	848	McKee			848
Authorizing the Speaker to deliver accounts to members.....	851	Gentry			851
Directing the Principal Clerk to report the number of assistants.....	857	Lanes			867
Inviting the Senate to attend in the Hall of the House.....	868	Chapin			868
To publish the liquor law in the Sentinel and Journal.....	880	Milroy			889
Tendering thanks to the Speaker.....	895	Pratt			895
That the Secretary of State furnish a synopsis of the votes for State officers, and for electors for President and Vice President.....	896	Underwood			896
Tendering thanks to the clerks and doorkeepers.....	899	Hicks			899
To appoint a committee to investigate the books, accounts and papers of the offices of the Treasurer, Auditor and Agent of State.....	906	Chapin			907
Inviting the Senate to attend in the Hall of the House.....	908	Fleming			908
Directing the Secretary of State to publish act No. 180 of the House.....	921	Orr			921
That the Principal Clerk furnish the members with titles of acts.....	927	Lowe			927
Directing the committee on Banks to report back House bill No. 110.....	931	Hicks			931
Requesting the Senate to return Senate bill No. 42.....	975	Chapin			935
In relation to adjournment.....	981	Hicks			981
Presenting an inkstand to the Speaker.....	981	Walker of Laporte			981
In relation to the surrender of bonds.....	982	Shelby			982
Informing the Senate of the readiness of the House to adjourn <i>sine die</i> .....	982	Johnson			982

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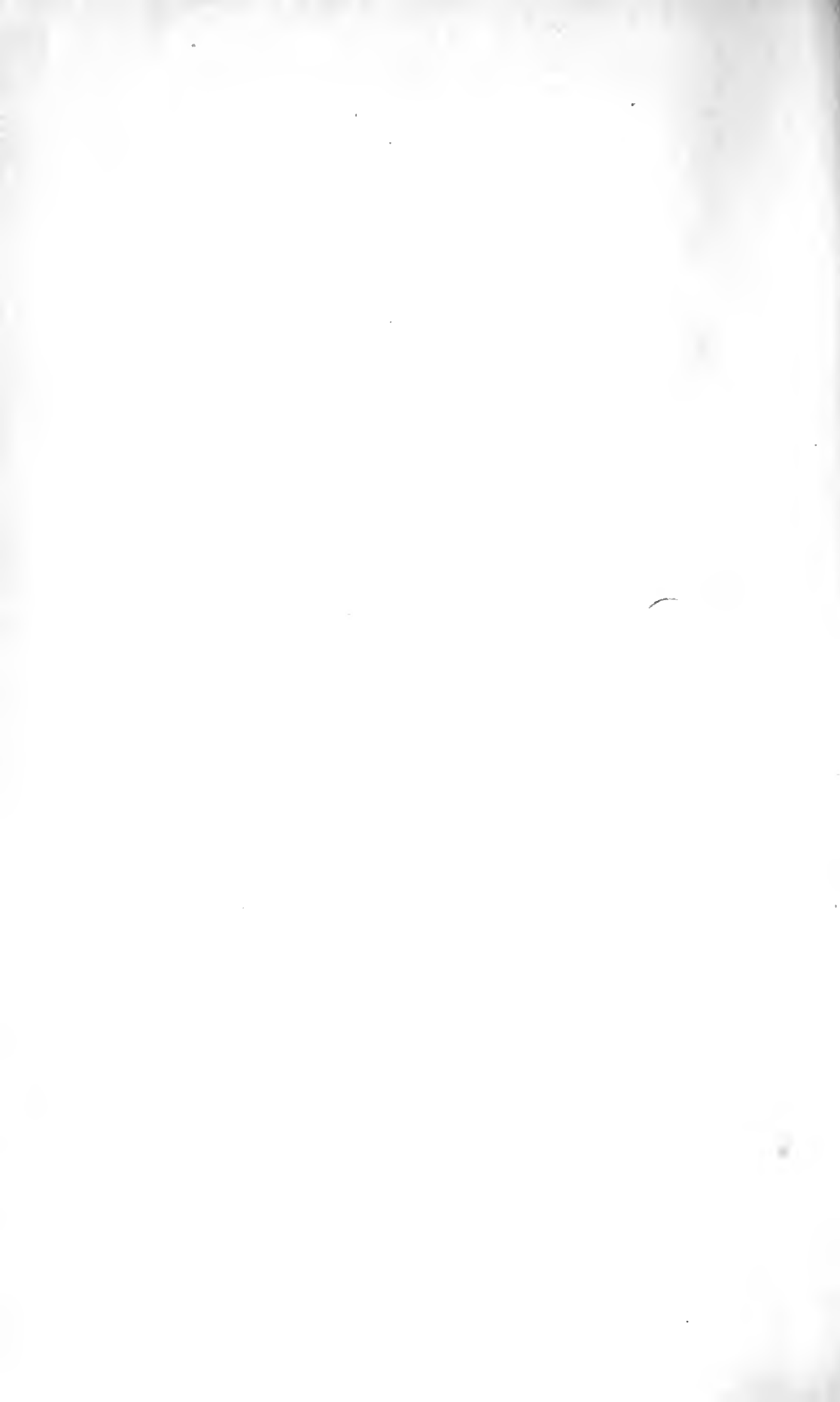
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